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THEODORE DREISER AND THE LAW

by



Charles Richard Bentley Dunlop

A Thesis

Submitted to the Faculty of Graduate Studies
in Partial Fulfillment of the
Requirements for the Degree of

Master of Arts

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The undersigned certify that they have read and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled THEODORE DREISER AND THE LAW, submitted by Charles Richard Bentley Dunlop in partial fulfillment of the requirements for the degree of Master of Arts.

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ABSTRACT

Chapter I sets out the purpose of the thesis which is to examine critically Dreiser's picture of law and the legal process in The Financier, The Titan and An American Tragedy. The thesis assumes that the ideas which Dreiser expresses in his philosophical and other non-fiction writings are carried into and form the pattern or structure of his fiction.

Chapter II examines Dreiser's metaphysical ideas and his determinism. Dreiser is perplexed by the presence of injustice, disorder and evil in the world. Nature seems to reward or punish people without regard to their merits. The Creator of such a universe must be either malevolent to man or indifferent but, in either case, man is completely within His control. Freedom of the will is an illusion in a completely deterministic universe.

Chapter III discusses Dreiser's conception of ethics and law. To Dreiser, it is wasted effort to try to make moral judgments about human conduct because of the ambiguity of moral rules and because moral judgments are meaningless in an amoral universe. While Dreiser can find no fundamental moral order, he does detect in nature a desire for a rough balance of forces, leading to peace.

Much of Dreiser's discussion of ethical theory explains his views on law. He sees the legal system as corrupt and hypocritical. Legal rules are constantly being misused to achieve an illegal or non-legal purpose. Both legal and moral codes are essentially powerless to stop people doing what their temperaments and the forces of the

universe dictate. The chapter advances some criticisms of Dreiser's ethical and legal theories.

Chapter IV discusses the role played by the law in The Financier and The Titan. Dreiser's protagonist, Cowperwood, uses the law as a weapon to protect himself and to defeat his enemies. But Cowperwood himself suffers defeat at the end of each novel, and in each case it is the law which is the agent of the defeat. In a deeper sense, Cowperwood's fortunes depend on the principle of balance and equation in the universe, and if we think of the great equation as a natural or universal principle, the theme of law becomes very important to an understanding of these novels.

Chapter V discusses the theme of justice in An American Tragedy. Clyde Griffiths is tried and convicted by a legal system flawed by dishonesty and hypocrisy. The injustice of the human legal system echoes the greater injustice of a God who would create a weakling like Clyde and place him in such a set of circumstances that he has no choice but to kill. An American Tragedy is Dreiser's attempt to teach his readers that it is impossible to judge a Clyde Griffiths unless one has lived his life with Clyde's temperament and in his situation.

Chapter VI summarizes Dreiser's criticisms of the law which flow from his burning desire for justice on earth and for all men.

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TABLE OF CONTENTS

CHAPTER I	INTRODUCTION.....	1
CHAPTER II	METAPHYSICS AND DETERMINISM.....	7
CHAPTER III	ETHICS, LAW AND POLITICS.....	21
CHAPTER IV	<u>THE FINANCIER</u> AND <u>THE TITAN</u> : THE GREAT EQUATION....	42
CHAPTER V	<u>AN AMERICAN TRAGEDY</u> : ILLUSION AND INJUSTICE.....	68
CHAPTER VI	CONCLUSION.....	100
FOOTNOTES	103
BIBLIOGRAPHY	111

CHAPTER I

INTRODUCTION

Towards the end of The Financier, Theodore Dreiser's protagonist Cowperwood meditates bitterly on the nature of the legal system which has brought him to trial for larceny and embezzlement:

Law, if you had asked [Cowperwood], and he had accurately expressed himself, was a mist formed out of the moods and the mistakes of men, which befogged the sea of life and prevented plain sailing for the little commercial and social barques of men; it was a miasma of misinterpretation where the ills of life festered, and also a place where the accidentally wounded were ground between the upper and the nether millstones of force or chance; it was a strange, weird, interesting, and yet futile battle of wits where the ignorant and the incompetent and the shrewd and the angry and the weak were made pawns and shuttlecocks for men--lawyers, who were playing up-on their moods, their vanities, their desires, and their necessities. It was an unholy and unsatisfactory disrupting and delaying spectacle, a painful commentary on the frailties of life, and men, a trick, a snare, a pit and gin.

It is not surprising that Cowperwood should chafe at the delays and restrictions imposed by the legal system on his rise to wealth and power, even though he is confident that the law will be only a temporary obstruction. But this passage is more than a cry of frustration by an unwilling litigant. To read the rest of The Financier and The Titan is to understand that Dreiser himself is, with some modifications, in agreement with his protagonist's assessment of the law.

In these novels, as in the rest of Dreiser's writings, it is the quality of hypocrisy which is stamped on every aspect of the legal order. Laws purport to be rules to govern the actions of the members of the society; in reality, the rules often run counter to the real

values of the society. Such rules are therefore not enforced unless some non-legal advantage can be gained by their enforcement. Legal process is continually being used by Cowperwood as well as by his enemies to effect some non-legal purpose. The lawyers who manipulate the system are treated harshly by Dreiser. They are intelligent and ambitious men, but because the system they serve is false the lawyers themselves become dishonest and cynical. Dreiser's judges are also flawed by the hypocrisy of the legal system, particularly as they are all political appointees who decide their cases in accordance with the wishes of their political benefactors. The law-making process is similarly corrupt and hypocritical, with occasional and ambiguous exceptions such as Governor Swanson, Cowperwood's principled but deluded opponent in The Titan.²

Dreiser's bitterly critical assessment of the legal system is repeated in An American Tragedy. In this greatest of Dreiser's novels, Clyde Griffiths' prosecution for murder is distorted by the political ambition and the temperaments of the lawyers, by the climate of opinion in the community, and by the desire of Clyde's relatives to avoid as much of the scandal as possible. The lawyers and officials on both sides of the case break the law with impunity, create false evidence, and coach their witnesses in fabricated stories. The legal systems which convict Clyde and Cowperwood share the quality of hypocrisy because they espouse ideals which are not reflected in the day-to-day running of the systems.

Throughout the whole of Dreiser's writing, fiction and non-fiction, runs a current of criticism of the legal system, although the reasons vary. In The "Genius" and in Dreiser's short stories, the law is often seen as a restricting and conservative force which traps the

individual and frustrates his efforts to realize his potentialities. Dreiser writes several stories about the unhappy husband or wife, trapped in a loveless marriage and prevented by that legal relationship from satisfying the demands of his or her temperament.³ The law is thus seen as a force which frustrates man's attempts to realize his potential.

Somewhat inconsistently, Dreiser also asserts that law is powerless to oppose actions which flow from deeply-felt human urges and desires. "The shelves of our law libraries are packed to suffocation and moldering to decay with laws ethically intended to govern things which man has never yet been able to govern entirely and probably never will be, although the instinct so to legislate probably conforms to the mechanistic instinct for balance and proportion in all things."⁴ Laws forbid murder and theft, yet men kill and steal as often today as ever:

Man, or at least a part of him, a fragment of the chemical whole of which he is a part or an expression, wishes and writes laws to confirm these, but in spite of all so-called spiritual instruction, an ordered scheme of spiritual rewards and punishments, he is still not chemically able to accommodate himself to these things--not all of him, at least. Nature, his sheer, rank human nature, which sinks deep below into mechanistic, chemical and physical laws and substances, will not let him.⁵

The law is therefore either destructive of life and freedom or it is a useless pretence of regulation; in either event, it is fraudulent and hypocritical in its moralistic and censorious attitudes.

To stop there would be to see only a fraction of Dreiser's view of law and justice. Eliseo Vivas has said that Dreiser saw men under the form of eternity,⁶ and the observation is a useful guide to Dreiser's picture of law. The failure of human law to live up to its

pretensions of justice and morality is a reflection of the nature of the universe itself. Clyde Griffiths does not find justice at Bridgeburg, but, more fundamentally, he will not find justice anywhere in an amoral and determinist universe controlled by mechanistic and purposeless forces. Dreiser's ideas of human law are therefore linked to his conception of eternal laws and to the nature of the cosmos. They cannot be understood unless seen in this universal setting.

The purpose of this thesis is to examine critically Dreiser's picture of law and the legal process in The Financier, The Titan, and An American Tragedy. Chapter II will describe Dreiser's metaphysical ideas and his determinism, and Chapter III his ethical, legal and political theories. The thesis will then go on to examine the novels in order to show the extent to which his theories, expressed largely in his non-fiction, are carried into and made concrete in his fiction.

At this point, it should be made clear that the thesis assumes that there is some relationship between Dreiser's ideas and his fiction. Not all critics would share this assumption. There is an influential body of critical opinion which argues that the Dreiser of the novels is not as deterministic as the Dreiser of the philosophical essays and other non-fiction writings. This position was advanced by critics like Vivas⁷ and Willen⁸ in part to defend Dreiser from earlier critical denunciations by Stuart Sherman⁹ and Lionel Trilling,¹⁰ among others. Much simplified, the issue can be put as follows. Sherman and Trilling argue that (1) Dreiser's determinist and amoral ideas are stupid, evil or wrong, (2) his ideas underlie and form the structure or pattern of his fiction, and (3) Dreiser's fiction is therefore weakened and vitiated because of the ideas which are an integral part of that fiction. Vivas and Willen defend Dreiser essentially by accepting point (1) but rejecting

points (2) and (3). They can therefore reject Dreiser's determinism and still praise his fiction as incorporating elements of free will and therefore of moral choice.

This thesis will assume, contrary to Vivas, that Dreiser's ideas are incorporated into and form an important part of the structure of his fiction. This is not to deny that Dreiser is inconsistent in his ethical theory and that he makes ethical judgments while he pretends not to do so. What will be argued is that this ambiguity is basic to all of Dreiser's thinking about ethics and is to be found equally in his non-fiction writings as in his fiction. It is wrong to say that the novels imply a different philosophy than the non-fiction; the same ideas and the same confusion exist in both.

There is little doubt that Dreiser was not the clearest or most sophisticated of thinkers; his ideas are often inconsistent and illogical. Moreover, he changed his ideas substantially over the course of his writing career. Still Dreiser did have a central core of deeply held beliefs which he advocated with remarkable consistency during most of his life, and which he incorporated into the very pattern and structure of his fiction. The result is that the critic cannot afford to ignore Dreiser's ideas, whether expressed in philosophical essays or absorbed into novels, if he is to understand fully what the fiction is about. Such an approach must not reduce the literature to an appendage of the philosophical essays, but it should also demonstrate that Dreiser's ideas are not as silly or as superficial or as outdated as some critics have argued. Indeed, An American Tragedy succeeds as a novel because the ideas which underlie it have a logic and a soundness which strengthen the work

and make it a convincing and moving statement about man's situation.

CHAPTER II

METAPHYSICS AND DETERMINISM

It is trite to observe that Dreiser's attempts at philosophy are neither original nor profound. Dreiser does not impress anyone as a sophisticated philosopher, partly because he wrote as though no one else had ever before considered the nature of God, of the universe, or of good and evil. As Mencken observed, "The isolation of irony is never reached; [Dreiser] is still a bit evangelical; his ideas are still novelties to him."¹ Yet many readers today come away from Dreiser's philosophical essays with a considerable sense of respect. He was no professional philosopher, but he was an honest man, doggedly searching for truth and refusing for the most part to accept easy answers to difficult questions. Irving Howe puts the point clearly:

As a philosopher, Dreiser can often be tiresome; yet his very lust for metaphysics, his stubborn insistence upon learning 'what it's all about,' helped to deepen the emotional resources from which he drew as a novelist. For he came to feel that our existence demands from us an endless contemplativeness, even if--perhaps because--we cannot think through our problems or solve our mysteries.²

What impresses the reader and engages his interest today is Dreiser's honest effort to work out for himself a view of life which is satisfying yet true to the facts of human existence.

Dreiser tells us in his autobiography that as a child he was continually speculating on the mysteries and the meaning of life.³ At first, this speculation must have been conducted within the confines of the German Roman Catholicism of his father, somewhat tempered by the more tolerant views of his mother. But these metaphysical questions

were to assume a sharper significance when, as a young man, Dreiser lost his childhood faith in Catholicism. Dreiser's loss of faith flowed partly from early work experiences in Chicago; there he found disorder and evil which seemed to disprove the existence of a benevolent God. But Dreiser was also much influenced by his reading, particularly by his discovery of Huxley, Tyndall and Herbert Spencer who, he says, "quite blew me, intellectually, to bits."⁴ Dreiser goes on to describe how these writers shattered his preconceptions and left him in a state of acute depression.

Up to this time there had been in me a blazing and unchecked desire to get on and the feeling that in doing so we did get somewhere; now in its place was the definite conviction that spiritually one got nowhere, that there was no hereafter, that one lived and had his being because one had to, and that it was of no importance. Of one's ideals, struggles, deprivations, sorrows and joys, it could only be said that they were chemical compulsions, something which for some inexplicable but unimportant reason responded to and resulted from the hope of pleasure and the fear of pain. Man was a mechanism, undevise and uncreated, and a badly and carelessly driven one at that.⁵

Dreiser found himself converted, almost against his will, to a pessimistic determinism which seemed to leave man in a hopeless position; ". . . when I read Spencer I could only sigh. All I could think of was that since nature would not or could not do anything for man, he must, if he could, do something for himself; and of this I saw no prospect, he being a product of these self-same accidental, indifferent and bitterly cruel forces."⁶

Dreiser's religious crisis paralleled and symbolized the crisis in religious and social ideas which had dominated the nineteenth century. Matthew Arnold had described precisely the plight of nineteenth century man, "Wandering between two worlds, one dead,/ The other powerless to be born."⁷ But Dreiser's loss of faith

was an acutely personal source of suffering and much of his subsequent writing is devoted to an effort to replace the benevolent God and the ordered universe which the Catholic Church had promised him. Kenneth Bernard has pointed out that Dreiser's life can be seen as a flight away from the mysticism of his childhood through a period of disbelief, returning later in his life to a mystical vision of the world.⁸ But the Dreiser of the "flight" is still acutely conscious of his lost faith, and all of his writings return repeatedly to the questions raised by his reading of Spencer and by his own observations of life about him.

In A Traveler at Forty, Dreiser tells of a trip he once made to the industrial area of Western Pennsylvania where he saw working men firing coke ovens.⁹ What struck him then, and he repeats the observation in other books, is the tragic injustice which nature had done to the "common, ignorant men" who fed the ovens. Why is it that a few men are intelligent while many are stupid? Why are some strong and others weak, some rich and many poor? Nature distributes abilities and rewards unequally, without any regard for merit or justice. The man who feeds the forge may well be more useful to society; he may lead a "better" life than the gentleman who lives off the profits of the company, but Nature apparently pays no attention to these factors in distributing her largesse.

But see the differences in the reward of labor--physical labor. One eats his hard-earned crust in the sweat of his face; the other picks at his surfeit of courses and wonders why this or that doesn't taste better. I did not make my mind. I did not make my art. I cannot choose my taste except by predestined instinct, and yet here I am sitting in a comfortable English home, as I write, commiserating the poor working man. I indict nature here and now, as I always do and always shall do, as being aimless, pointless, unfair, unjust. I see in the whole thing no scheme but an accidental one--no justice save

accidental justice. Now and then, in a way, some justice is done, but it is accidental; no individual man seems to will it. He can't. He doesn't know how. He can't think how. And there's an end of it.¹⁰

In view of Dreiser's later political writings, it is important to note that he is not here attacking social inequities or advocating political reforms. The "gentleman" who owns the industry is probably more intelligent, more forceful and better equipped to manage the business than any of the workmen he employs. The injustice lies in the capricious and unequal distribution of abilities which has made possible, even necessary, the social and economic injustices existing in society.¹¹

The unfairness of nature does not stop at the initial distribution of inequalities but is to be seen in the continuing importance of luck or chance in determining whether a man succeeds or fails. Dreiser never tires of showing how a chance occurrence can reshape a man's life, regardless of his personal excellence or evil. A capricious fate determines whether a man succeeds or fails, lives or dies, without apparent regard to any moral pattern or code.¹² Indeed people frequently achieve success because they choose methods which are immoral or improper. One of Dreiser's short stories concerns a struggle between two reporters as to who will become recognized as the better at his trade.¹³ One reporter, Burns, "ought" to succeed; he is more intelligent, more perceptive, and a better writer than his rival, Collins. But Collins is tougher, more ruthless, and hungrier for success; he gains the victory. The story is drawn from an incident in Dreiser's own experience in which he was similarly defeated by a stronger although less deserving rival.¹⁴

The world that Dreiser sees about him is one dominated by the struggle for survival in which the victory goes to the strongest

competitor. Questions of morality and goodness are thrust aside; nature seems to reward or punish the competitors in the struggle for survival without any regard to their merits. Moreover evolution by competition and struggle, especially when extended to human development, seems to Dreiser to be pointless and wasteful. In The "Genius", Dreiser's protagonist Eugene Witla reads Spencer and Huxley; he undergoes an intellectual explosion similar to Dreiser's own. Eugene describes how he once walked into the natural history museum in New York to look at skeletons of prehistoric animals. His observations, which seem to parallel Dreiser's, are revealing.

He marvelled at the forces which produced them, the indifference, apparently, with which they had been allowed to die. Nature seemed lavish of its types and utterly indifferent to the persistence of anything. He came to the conclusion that he was nothing, a mere shell, a sound, a leaf which had no general significance, and for the time being it almost broke his heart. It tended to smash his egotism, to tear away his intellectual pride. He wandered about dazed, hurt, moody, like a lost child.¹⁶

The world which Dreiser sees about him is harsh and unfriendly to man, amoral, disordered and profoundly unjust.¹⁷ Beauty exists but on analysis it too proves to be something else. Nature appears to be fair and beautiful and yet it contains cruelty and contention, "one thing striving with another and wearing it away, feeding upon it, destroying it."¹⁸ There is a kind of beauty too in the contrasts and extremes of the great cities like New York. But as Dreiser looks more closely, the beauty and vigor and excitement of the city turn into contention and cruelty, the strong preying on the weak, "the vast army of clerks and underlings, pushing, scheming, straining at their social leashes so hopelessly and wearing out their hearts and brains in a fruitless effort

to be what they cannot."¹⁹ In one essay, Dreiser describes the music industry of New York as having a surface gaiety which conceals the fierce struggle for survival in an intensely competitive and insecure existence. The musician (and Dreiser is thinking of his brother Paul) may have a period of success and glory, but misfortune will catch him too and drag him down to poverty and death.

One day one such singer's voice is failing; another day he has been snatched by disease; one day one radiant author arrives at that white beneficence which is the hospital bed and stretches himself to a final period of suffering; one day a black boat steaming northward along the East River to a barren island and a field of weeds carries the last of all that was so gay, so unthinking, so, after all, child-like of him who was greatest in his world.²⁰

Instead of the ordered and benevolent universe which Dreiser wished to find, he discovers a world full of suffering and injustice in which good and evil are mixed together, coloring the whole of existence: "I conceive of life as a blind goddess, pouring from separate jars, one of which she holds in each hand, simultaneously, the streams of good and evil, which mingling, make this troubled existence, flowing ever onward to the sea."²¹

The problems created for Dreiser by his sense of the injustice, disorder and evil in the world could not be explained by the discredited Roman Catholicism of Dreiser's youth, and he spent most of his life searching for a more acceptable theology. Until the last years of his life, that search was inconclusive and frustrating; yet Dreiser never ceased speculating about the nature of God and of the invisible world beyond the sight of mortal man which, he felt, must hold the secrets of the universe. What he says on these themes is sometimes contradictory,

but certain ideas occur with sufficient frequency that they can profitably be described. Such an analysis is necessary for our purposes because Dreiser's conceptions of ethics and law are based on his beliefs as to the nature of God, the universe and their relationship to man.

A useful starting point for such an analysis is an image which Dreiser uses often: the boat or the island surrounded by water. Almost always, the purpose of the image is to show how that part of the world which is tangible and visible to man is surrounded by an invisible universe beyond his vision which nonetheless controls and directs him. In the visible world, whether it be Clyde's rowboat in An American Tragedy or the island of New York, human life goes on; men contend for wealth and power; good and evil exist side by side; men love, work and dream. But always about the visible world flows the invisible and unseen, but omnipotent world represented by water.²² Dreiser describes the water which flows about Manhattan Island:

And such waters! How green they look, how graceful, how mysterious! From far seas they come--strange, errant, peculiar waters--prying along the shores of the magnificent island; sucking and sipping at the rocks which form its walls; whispering and gurgling about the docks and piers, and flowing, flowing, flowing. Such waters seem to be kind, and yet they are not so. They seem to be cruel, and yet they are not so; merely indifferent these waters are--dark, strong, deep, indifferent.²³

All men, whatever their positions in the visible world, must ultimately rejoin the indifferent universe flowing about them. Therefore the symbol of death by drowning, which Dreiser often uses, is intended to remind the reader of the mysterious and invisible world which surrounds men in life and to which all must return.²⁴

Dreiser was a superstitious man; he believed in ghosts and

supernatural phenomena.²⁵ But when Dreiser writes ghost stories and plays, he is again making use of the idea that the visible world is surrounded by a universe invisible to human sight and inaccessible to intellect which directly influences our lives.²⁶ One can sometimes attain knowledge of this world through dreams, narcotic illusions, meditations or even by scientific speculation, but the normal state of man is one of ignorance of the forces which control him. Man's ignorance is so great that he makes the error of assuming the visible world to be real and permanent. If he could see further, he would understand that what he can perceive is in fact illusory, transitory, everchanging; reality must be sought in the invisible world. Not all people are capable of seeking that reality. Most would be overwhelmed if their illusions were shattered, much as Dreiser was "blown to bits" by his reading of Huxley and Spencer. Still Dreiser states that the higher path is that of knowledge, and the man who follows illusion is courting disaster.²⁷

In the passage quoted earlier, Dreiser described the water flowing around Manhattan Island as "indifferent." The adjective is significant. Man is not at the centre of a world designed for him; instead he finds himself a speck of dust in a vast universe which is indifferent to man and his lofty ambitions. Sometimes Dreiser is prepared to see in the universe a principle of benevolence or "rude justice" towards men.²⁸ But more often Dreiser finds that while the world may be ordered according to some unknown plan, that plan is not centred about man and his destiny:

We are such minute, dusty insects at best, great or small.
 . . . The spirit of life works in masses--not individuals.
 It prefers a school or species to a single specimen. A
 great man or woman is an accident. A great work of art
 of almost any kind is almost always fortuitous--like this

meat market over the way. Life, for instance, I speculated sitting here, cared no more for Frans Hals or Rembrandt or Lieven de Key than I cared for the meanest butcher or baker of their day. If they chanced to find a means of subsistence--well and good; if not, well and good also. "Vanity, vanity, saith the preacher, all is vanity." Even so.²⁹

If the universe is indifferent or even hostile to man, what can we conclude about the existence and nature of God? The question seems to fascinate Dreiser and he speculates on it frequently but without reaching any clear answer. At times Dreiser denies altogether the existence of any Creator of the world.³⁰ But more commonly Dreiser concedes the existence of some kind of Prime Mover, sometimes seen as an anthropomorphic God, sometimes as an abstract Force or Energy. Dreiser is similarly uncertain about the nature of God and about His relationship with man. To Dreiser, the important fact is the presence in the universe of intermingled good and evil, but the proper conclusion is unclear. At times, especially in his book of poetry, Dreiser depicts God as a cruel and malevolent Creator who pours out good and evil on His creations on earth for no apparent reason except His own amusement.³¹ An alternative view is that the God who has created such an unhappy world should be viewed not as a Knave but as a fool who has created a badly planned universe. It may be that our God is a minor Deity in a hierarchy of Gods, who manufactured our universe as a "side-line" and who is more to be pitied than blamed.³²

The question of God's nature is important to Dreiser because of his belief that man is not a free agent but is completely controlled, perhaps by God, perhaps by an abstract set of forces and laws which control the universe. In A Hoosier Holiday, Dreiser described the relationship

of man to God in a typical passage:

Friends, let me suggest something. Have faith to believe that there is a larger intelligence at work which does not care for you or me at all-- or if it does, only to this extent, that it desires to use us as a carpenter does his tools, and does use us, whether we will or no. There is some idle scheme of entertainment (possibly self-entertainment) which is being accomplished by some power which is not necessarily outside man, but working through him, of which he, in part, is the expression. This power, in so far as we happen to be essential or useful to it, appears beneficent. A great or successful person might be inclined to look on it in that light. On the other hand, one not so useful, a physical failure, for instance--one blind or halt or maimed--would look upon it as maleficent, a brooding, destructive demon, rejoicing in evil. Neither hypothesis is correct. It is as good as the successful and happy feel it to be--as bad as the miserable think it is bad--only it is neither. It is something so large and strange and above our understanding that it can scarcely sense the pain or joy of one single individual--only the pains or joys of masses.³³

Man is thus completely within the power of God to use as one would use an implement. God may have some purpose in controlling man as He does or He may not; the implement may be used seriously or it may be used as part of a game or a dumb show. (The last term is a common Dreiserian image for the legal process.) But whatever the purpose, man is totally within the power of God or of the forces which control the universe.³⁴

Dreiser's determinism has been the subject of prolonged and bitter critical argument, reflecting the deeper philosophical debate over determinism and free will which has raged during this century. The question of the relationship between Dreiser's non-fiction writing and his novels has been discussed in Chapter I and will be examined again in the chapters on The Financier, The Titan, and An American Tragedy.

Setting aside the novels, however, there seems little doubt that Dreiser's view of life from 1900 to his last years was dominated by a determinism which Dreiser advocated in non-fictional writing and which he used to explain the actions of his characters in biographical studies and in his short stories. Again and again in Dreiser, we are told that a person acts as he does because of his temperament which is given to him at birth and because of the environment in which he finds himself. Dreiser's characters are continually being driven to do things which they may intellectually regard as mistaken or wrong. Still the forces which operate in men's lives, whether they flow from temperament or from the society, are overwhelming and irresistible.³⁵ The temperamental drive which Dreiser uses as his key example is sexual desire. If a man falls out of love with his wife, neither wife nor children nor moral nor legal duty will prevent the man from realizing his sexual desires elsewhere. The fact that the husband loved his wife at one time does not matter; love dies and, once dead, cannot be revived by an act of the will.³⁶

In addition to temperament, social pressures drive people to do things which they might intellectually reject. In The Color of a Great City, Dreiser has a series of pictures of dangerous, undesirable or degrading types of work which people do because they must survive.³⁷ Again these essays are not intended to be social criticism, but are statements of the plight of man, driven to "the shifts of the poor," despite what he might himself wish.

It is true that people feel that they are deciding issues freely and without compulsion, but such a feeling of freedom is illusory. People think they are choosing; they speculate on what choice they wish

to make, and yet the choice they eventually do make is dictated to them by their temperament and the situation in which they find themselves. Dreiser had not worked out the philosophical implications of this kind of hard determinist position. Is it really correct to say that when a person puts his pen on the desk rather than in the table drawer, he has not made a decision which he was free to make? Determinism in everyday life seems somehow too elaborate an explanation for common occurrences. Dreiser did not address himself to this kind of problem, but concentrated instead on the difficult decisions in which people act under great and conflicting pressures. Dreiser's determinism is more plausible in these difficult and borderline cases than it would be if applied to the simple decisions of everyday life. Moreover Dreiser seems in his fiction to blur individual decisions (Where should I put my pen?) into an overall life pattern which is determined. When we read about Clyde Griffiths' relationship with Roberta and Sondra, the individual decisions which Clyde makes become part of an overall pattern of desire and ambition which Clyde's will is impotent to alter.³⁸ Here again Dreiser's determinism is convincing.

Dreiser's characters find their lives decided for them partly by their temperaments and their environments but also partly by accident. It is an accident that the safe door closes when Hurstwood has the money outside the safe;³⁹ it is an accident that Roberta is thrown into the water when the boat capsizes. In some of his philosophical essays, Dreiser suggests the idea that the Lord of the universe is a gamester who throws good and evil out into the world, letting them fall at random on this individual or that.⁴⁰ Whether or not the presence of chance in the universe invalidates a determinist philosophy is a difficult problem,

one which has been particularly bothersome in this century because of the scientific discovery of seemingly indeterminate movements of sub-atomic particles.⁴¹ Even in this state of literal and philosophical uncertainty, it seems clear that the existence of chance events in the universe should not be transmuted into a principle of freedom of human will. For example, if I throw dice, I cannot force the dice to turn up a six. To this extent, I have lost control over the precise course of events. But this does not mean that the dice have acquired any freedom of action. The dice have no control over their fate. They must roll a six even if they want to roll a two, and the precise way in which they are forced to roll a six is irrelevant.⁴² In the same way, the fate of Dreiser's characters may depend on chance occurrences, but once the accident has happened, the temperament of Dreiser's characters together with their social situation will dictate how they will respond.

It has been argued above that Dreiser is a determinist and, for the bulk of his fiction and non-fiction, this is true. But Dreiser is never completely consistent on any subject; determinism is no exception. Dreiser seems to suggest in several places that it is possible for a man who is mature and aware of the universal laws to assert his will and to acquire some freedom by wresting control of himself from the universe.⁴³ The idea of determinism for some and free will for others is philosophical nonsense, and Dreiser elsewhere denies the possibility, particularly in the Financial Trilogy. But there exists in Dreiser a strain of Nietzschean respect for the superman who can break through the chains binding him to the ordinary state of man, even if those chains are forged by God Himself.

In some of his essays in Hey Rub-A-Dub-Dub, Dreiser elaborates on

this idea by depicting man as capable of revolt against God.⁴⁴ Dreiser is fond of referring to the legends of Prometheus and of Adam and Eve as demonstrating the possibility of man gaining some control over himself and his destiny. But the battle will be hard and will involve many setbacks because Nature (or God) is a powerful and jealous foe. If Dreiser had developed these ideas, he might have been led to abandon the idea of determinism altogether. Instead Dreiser seems to have become more deterministic rather than less so. In An American Tragedy, there is very little, if any, evidence of freedom of will. In the 1930s, Dreiser published a series of essays, intended to be incorporated in his never-completed philosophical book, which set out the starkest determinism to be found anywhere in Dreiser's writings.⁴⁵ Such determinism can be a very uncomfortable philosophical position to accept, unless one postulates a benevolent and loving God. It is significant that in the last decade of his life, Dreiser found himself able to reverse his former ideas and to accept the notion of a benevolent Creator who may rule absolutely but who tempers his rule with love and who has created a universe hospitable to man. To use Kenneth Bernard's image, Dreiser's flight is concluded and he returns at the end of his life to something not unlike the Roman Catholicism of his youth.

CHAPTER III

ETHICS, LAW AND POLITICS

The theme which, more than any other, dominates Dreiser's writings is the problem of the validity of moral judgments. Again and again he says that moral judgments about human conduct are worthless and without foundation in the kind of universe in which men find themselves. Somewhat inconsistently, Dreiser adds that moral judgments may be positively harmful when they are based on the kind of overstrict puritanical moral code which dominated the small town America in which he grew up. But the problem of good and evil is still of vital importance to Dreiser and he returns to it almost obsessively in his non-fiction and in his fiction. This chapter will examine what Dreiser says about ethics and then show how his views on ethics are the foundation to what he says of law and politics.

To some extent, Dreiser's continuing fascination with ethical theory can be explained by problem which he and his family encountered when they ran afoul of the moral and religious standards of rural Indiana. Dreiser early discovered that the moral codes of nineteenth century America, particularly the taboos regarding sex and marriage, seemed to ignore the facts of human temperament and the history of changing moral codes and institutions.¹ Moral rules sought to impose on people standards of conduct which were grotesquely unrealistic in the light of human nature.

Because moral codes were unrealistic, people were forced into espousing morality in theory while violating it in practice. Dreiser's

years as a newspaper reporter taught him how far human conduct strayed from the path of virtue, and yet how vociferous people were in supporting the moral code and in punishing anyone unlucky enough to be caught violating it. Dreiser devotes several stories to a study of the way in which conventional morality coupled with the fear of social ostracism forces people to live stunted and barren lives rather than to do what they want to do. Marriages which may have started with love and compatibility eventually break down because one partner outgrows the other or because of the naturally varietistic characters of some people. In any event, the marriage ceases to be a joyful partnership and becomes a trap for the married couple. In this situation, most people are too weak and too afraid to do anything but cling to the marriage, but some people are sufficiently strong to recognize that the marriage is dead and to seek love elsewhere, regardless of conventional moral prohibitions. To Dreiser, it appears that the strong people, despite their immorality, seem to be happier and better people than those who, out of fear of the consequences, cling to an outworn and discredited marriage. Being moral is not the same as being happy.³

Dreiser could see an analogous problem with people who continued to worship in outworn religions. The churches sought to teach about the moral life on earth, and yet adherents like Dreiser's father seemed to be led to a more painful and unpleasant life because of their devotion to their faith. Again it was the weak who clung to religion; the strong could ignore the churches because they could do without the imposition of rules and regulations from the outside; they could regulate themselves. Moreover the strong had the courage to do without the illusions fostered by the churches and to see life as it was in fact. Again the conventional

spokesmen on questions of good and evil seemed to hurt rather than to help people in their lives on earth.⁴

A further insight into Dreiser's view of ethics is gained by placing his writing in its historical context.⁵ Dreiser's work concerns the America of the late nineteenth century, a period during which the country was rapidly developing into an urban, industrialized society. People like Dreiser himself were coming in thousands to the cities and were finding a world very different from that of rural America, and a world to which their old moral beliefs could not be easily applied. In the American cities, there was a considerable gap between the conventional moral and legal codes and the ruthless, animalistic competition of the real world. On the surface, people were required to obey moral dictates in sexual matters, and legal rules as to business. But beneath the surface, the society placed a high value on success and on acquisition of wealth, beauty, and love, even though laws must be broken in order to achieve these goals.

In A Hoosier Holiday, Dreiser gives us his own views on the development of America in the nineteenth century.⁶ He seems to distinguish three stages in American history. The first stage is that of the agrarian pioneer America, close to a simple democracy and a religious morality accepted by most. The second stage is typified by the development of great cities like New York and the founding of other cities like Chicago. As these cities develop, a gap opens between the morality and conventionality of the country and the surging, vital, but amoral life of the cities. During this period, the great industries are founded and begin to expand; the financiers begin to lay the basis of their fortunes. As yet, however, there is a sense that anyone can become a millionaire (or President) and there is a feeling of freedom and enthusiasm.

But with the third stage of development, which begins around 1900, the sense of enthusiasm and excitement begins to die out. As the cities grow, they tend to take control of the rural areas and to reduce them to pale reflections or imitations of the cities. The financiers secure greater and greater control over business and therefore over the government of America. They become an aristocracy passing their enormous estates on to their children who may or may not have the intelligence and power of their parents. American society become more complex, more stratified and more rigid. During the whole of this development, the old rural morality of America of the first stage becomes increasingly irrelevant and inappropriate to the new industrial and urban America.

Some critics have interpreted A Hoosier Holiday and other books as displaying a nostalgia in Dreiser for the simple, integrated and moral communities of rural America.⁷ There is some evidence of such nostalgia, such as the sympathetic portrait of Jotham, Angela's father, in The "Genius". But Dreiser's more usual reaction to rural morality is to describe it as narrow, illusioned and unacceptable. In the choice between the country and the city, Dreiser does not hesitate. He prefers the city for its vitality, its amorality, and also because it is truer to the facts of twentieth century America than any rural community can ever be.⁸

Rural morality is not discredited as a solution to modern problem simply because it is irrelevant or passé; Dreiser's hostility to moral codes goes much deeper. This more fundamental objection to moral codes becomes clear upon an examination of one of Dreiser's early short stories, "Nigger Jeff."⁹ The story is about a newspaperman who is sent out to a

small town to investigate a lynching which is about to take place. The reporter, who reminds us of Dreiser himself, is a naive young man who at the beginning of the story still sees life as a fixed and ordered process of rewards and punishments in which good will be rewarded and evil punished. What he discovers in the pleasant country town is that life is not that simple. The lynching takes place, despite its illegality and despite some doubt about Jeff's responsibility for the rape which he is supposed to have committed. The lynch mob loses its veneer of morality and civilization, falls to an animalistic level and lynches Jeff, sweeping aside the token opposition of the sheriff. Dreiser notes that in killing Jeff, the mob acts as though in response to some "axiomatic, mathematic law--hard, but custom."¹⁰ It is as though the mob is driven to the lynching by some inexorable force more powerful than law or moral code. At the end of the story, the narrator has lost his faith in an ordered and moral universe; now he sees life as strange, mysterious, inexplicable and unjust.

It is important to note that the story is set in a small country town. Rural morality proves to be useless to prevent the crowd from pushing aside law and social order to seek a brutal vengeance on Jeff. In Dreiser's America, the old morality is more firmly proclaimed and supported in the country than in the amoral city. But even in the country, the moral order is a thin veneer covering man's essential animalism. The country may be moralistic, but its morality is hypocritical. On the other hand, the city is openly amoral and therefore more honest to the facts of life and to the worthlessness of moral codes.

The second point which emerges from the story is that the

lynching occurred because the mob was in the grip of some deeper instinctive pattern or law. Thus beneath the surface of our moral and legal codes lives a deeper law which bursts out at times and forces man to do its bidding. In this story, what the instinctive law forces the mob to do is to murder; in other words, to break the law and the ostensible moral code which it purports to accept. The narrator is right when he concludes that there is injustice in the very fabric of human existence.

Moral and legal rules are depicted in "Nigger Jeff" as powerless to stop people from doing what they are driven to do by their natures. The impotence of moral codes is a common observation throughout Dreiser's work. Man is driven by forces not of his own making, and when those forces meet a moral or legal prohibition, man is driven to ignore such a prohibition as if it did not exist.¹¹ In The Hand of the Potter, Isadore is forced by his own temperament, and against his conscious wish, to engage in sexual attacks on small girls. While the conventional characters in the play condemn Isadore, it is clear that he is literally unable to control his desires. If this is so, then moral or legal codes can hardly be expected to stop Isadore. In Dreiser's view, the impotence of moral and legal codes to affect human conduct is not restricted to the abnormal person. In A Hoosier Holiday, Dreiser talks about the youth of Indiana, brought up carefully in religious and moral communities, who still respond to their desires (to their "blood", as Dreiser says) and go their own way, regardless of their early education.¹² There may be some people whose temperament is so cool that they obey the law naturally. But for the others, rebellious,

driven to actions which may be immoral or illegal, the moral codes can have no effect in controlling their actions. Thus moral and legal codes fail at precisely the point where they are needed; they are completely useless to control human behaviour.

In Hey Rub-A-Dub-Dub, Dreiser tried to think out his approach to ethics and law in a more fundamental way. The result is not particularly sophisticated as a contribution to ethical or legal theory, but it is important to an understanding of the Financial Trilogy and An American Tragedy. To begin with, Dreiser concedes that our language is full of terms of evaluation like "good," "truth," "honest" and so on. People talk as though these terms have some meaning and are related to some sort of fundamental moral order in the universe. On analysis, however, we discover that neither of these assumptions is true. When we look at how people use terms like "good" or "right," we find that the terms have no core of meaning conceded by all. Instead evaluative words are used either to attack other people ("you are wrong,") or to defend oneself ("my rights").¹³

Moreover there is no evidence of any fundamental moral order in our world which might give these terms some content or meaning. It is fatuous, Dreiser tells us, to assume that there is some idyllic scheme or moral order handed down from on high, which is tender or charitable and which punishes so-called evil and rewards so-called good. When we look at the natural world and at the human world, we see a struggle for survival in which the strong are rewarded at the expense of the weak and in which moral judgment is impossible. Moralists urge people to be honest and yet when we look at nature we see that animals must be secretive and dishonest in order to preserve themselves from others in the struggle for survival. Secrecy is nature's way, and it is only the

cowardly or the dull or the weak who "either fail to see or endeavor to evade" the truth.¹⁴ Human society is no different. All people practise secrecy and dishonesty for precisely the same reasons as the animals, namely, to survive in a cruel and indifferent world.¹⁵

It follows that it is wasted effort to attempt to make moral judgments about human conduct. To begin with, moral rules are so ambiguous in their expression that they cannot serve as a guide in any specific situation. More fundamentally, the effort is wasted because the moral judgments have nothing to do with an amoral universe and will not effect a change in patterns of human conduct. The world is full of morality, and yet injustices and inequities abound. Murder has always been prohibited, but people continue to murder each other, as the lynch mob murdered Jeff, because they must.¹⁶

The emptiness of ethics is further established by the fact that different moral codes have been adopted by societies at different periods in man's history. Incest may be forbidden now, but it has been accepted in other societies. How can we say that incest is good or bad? The relativity of morality is confirmed by the changes in moral and legal codes over the history of man.¹⁷

This continual flux in moral order is an example of the general idea that in our world nothing is constant except change. Just as nature is continually replacing individuals and species, so man is continually changing his moral and legal beliefs.

Many of us now dream that there is such a thing as justice, but experience teaches us that it is an abstraction and that what we actually see is an occasional compromise struck in an eternal battle. Many believe that there is such a thing as truth, but, if there is, it is not within the consciousness of man, for he has not the knowledge

wherewith to discern it. There is too much that he does not know to permit him to say what is truth. Likewise, virtue and honesty go by the boards as names merely, a system of weights and measures, balances struck between man and man. They are symbols of something which man would like to believe true and permanent. They represent a balance he would like to strike between extremes on either hand, but they are only important to him in his state here. Beyond him lie the deeps which may know them not. All we can know is that we cannot know.¹⁸

If change is the one law of human history, then it follows that moral and legal codes which seek to clarify and to structure society are opposed to history and are doomed to fail. Forces which tend to rigidity and to order are bound to be swept aside by the onward movement of man.

If there is a seeming love of order, of stratification, of fixity, in connection with many things, an equally unending force appears to be bent on change and variation, so that that something within us which tends to rigid duty and stratification spells suffering or disappointment for us in so far as we are unable to counteract it. The caution, sprung from somewhere, to keep an open mind is well-grounded in Nature's tendency to change. Not to cling too pathetically to a religion or a system of government or a theory of morals or a method of living, but to be ready to abandon at a moment's notice is the apparent teaching of the ages--to be able to step out free and willing to accept new and radically different conditions. This apparently is the ideal state for the human mind.¹⁹

It is therefore useless to try to legislate against evil. But even if one could do so effectively, Dreiser seems to say that the effort would be a wrongheaded one. In Hey Rub-A-Dub-Dub, Dreiser includes a curious play called "The Court of Progress."²⁰ In the play, which is not unlike Mac Flecknoe or The Dunciad, Dreiser presents a world in which all vice and all thought have been legislated out of existence. The society which is left is empty, thoughtless, soporific, and scarcely human. Crime and conflict have been eliminated and what is left is a brainless faith in God and goodness. The court is ironically described

as progressive, but the "progress" has been towards death.²¹ (It is significant that Dreiser tells us that the society will in fact die out later.) Dreiser seems to conclude that as we must live in a world of struggle and contention, we should at least be thankful for the excitement and the spectacle which is created by the conflicts in such a world. If evil could be banished forever, the result would be death. This is the point of the short story "Sanctuary", in which Dreiser sets up a contrast between the amorality and excitement of the city and the death-like order and quiet of the Catholic work-house.²² Religion, morality and law are alike wrong in seeking to impose a life-destructive order and pattern on man.

In a series of essays, Dreiser applies his ethical theory to America.²³ He is at pains to show that it is the most foolish of delusions to assume that there is in the nature of things some kind of law dictating that the United States will succeed and prosper in the world. There is no natural rule for or against America except the rule of change. Dreiser is well aware that the United States Constitution had been drafted on some such assumption, and he wishes to show that no such rights and duties exist, either in nature or in America. Like "The Court of Progress," America is asleep and dreaming. Dreiser sees it as his duty to wake Americans up to the harsh truths about life in their country.

To some extent, Dreiser's railing against morality can be seen as a deliberate corrective to the overstrict morality of America of the late nineteenth and early twentieth centuries. But Dreiser explicitly and repeatedly goes further and denies the possibility of any moral judgments or any scale of values. There is nothing in the universe or in man's nature on which it is possible to build an ethical theory.

Such a view is clear if somewhat extreme. But Dreiser seems to be unable to tolerate such a complete negation of morality and so he develops the concept of the great equation.²⁴ If one studies nature, Dreiser tells us, he will find a curious paradox. On the one hand, nature is a battlefield of contending species in which change appears to be the only law. But there is another tendency in nature, the tendency towards balance, equilibrium and peace. A particular species may develop towards a position of dominance, but before that position is reached, other changes will invariably take place curbing the drive of the species for supremacy. The system is hit-or-miss and mechanistic, but it does suggest a desire in Nature for a rough balance or equation tending to peace and quiescence, although the peace is continually being disrupted by new upheavals and explosions. The law of equation does not eliminate strain and excess at times, but it suggests that excess in one direction will eventually result in the appearance of balancing excess in the other.

The tendency to equation or balance is as characteristic of human society as it is of the natural world. Good is and must be balanced by evil. Laws against crime are balanced by crime itself. The strong and the weak, the beautiful and the ugly, the intelligent and the stupid, Christ and Herod; these balances must exist. Any reformer who seeks to alter the basic pattern is misguided. What man should do in such a world is to take part in the inevitable struggles. In one of his most Nietzschean passages, Dreiser describes the proper way for man to live:

For why pray in beggarly fashion for that which will be, whether we pray or not--which, as the mechanists believe and show cannot escape its own destiny? Rather sing and be joyful, I should say, for one's unescapable share in so great

a spectacle. The game is open, free, a thrashing, glorious scene. Our God, if we have one, is not a namby-pamby, milk-and-water solution, suitable for the stomachs and optics of still more namby-pamby men, but a vast somewhat which offers a splendid universe-eating career to the giant, if he wills, an opportunity to thrive and grow to even the most spindling of beginners. . . . Our God is tragedy and comedy, terror and delight. He is limitless opportunity and endless opposition and destruction, for His way is extremes in equation, and nothing more and nothing less.²⁵

As an ethical theory, Hey Rub-A-Dub-Dub leaves much to be desired. To begin with, Dreiser tends to assume rather quickly that nature can be read only as a catalogue of conflict and struggle. No doubt conflict exists in nature, but one can also find love, benevolence, and order, as the nineteenth century anarchists like Kropotkin argued.²⁶ But a more fundamental problem with Dreiser's theory of ethics is his assumption that human society is just like natural society and that close parallels can be drawn from one to the other. As Richard Hofstadter points out in his useful book on Social Darwinism, this confusion of human and physical society is common to most of the Social Darwinists of the nineteenth century, and it derives from Dreiser's great source of inspiration, Herbert Spencer. Lester Ward and other writers were pointing out at the turn of the century that there are significant differences between men and animals; in particular, the fact that men can purposefully modify their social relationships and thereby shape their evolution.²⁷ Man thinks, and he can modify and reconstruct his social relationships, his ethical codes, and his laws as a result of thought. Thus laws are not necessarily stupid and purposeless relics of the past; they may be the result of careful thought about what kind of society men want. Similarly man's moral codes may be the product of reasoned discourse on the nature of good and evil.

Dreiser's answer to this argument would be to deny freedom of will. Dreiser may concede that man is free to think about goodness (although it is not clear that he ever did so), but he denies that man can put his thoughts into action. But this would seem to be an unduly narrow reading of the determinist position. Even if one accepts Dreiser's determinist view of human nature, it is still true that from man's limited information people appear capable of arguing about morality and law, and of acting on the basis of such argument. Changes in moral and legal codes do take place, and often after argument as to what the rule ought to be. Dreiser himself engaged in debates about legal reform; indeed, much of Hey Rub-A-Dub-Dub is a call to the American people to shake off the old rural morality and to create a freer and more honest society.

Dreiser's view of human nature is pessimistic. He sees man as a party to the natural conflict for survival but without any capacity to escape that conflict. The leaders of man do not rise above the battle; they succeed for a time because of their temperament and their luck. Then they are dragged down by the mob and the inevitable equation. Man cannot or will not cooperate with his fellow man to make a better world. His reason does not carry him beyond the struggle.

Dreiser's view of human nature is as extreme on one side as the anarchist view is on the other. Between these two extremes, one can argue for a view of human nature as imperfect and capable of participating in a thoughtless struggle for survival, but also as capable of reason and of cooperation, of social organization and self-improvement. Dreiser's view of the joy of individual free action is appealing and has attracted people since his day, but he seems to have underestimated the extent to

which individual freedom can be encouraged and enhanced in a developing and regulated society. He seems also to have overlooked the dilemma of the weakling who is fated to be defeated in the struggle for survival. With the exception of The Hand of the Potter, it is not until An American Tragedy that he is prepared to look seriously at the implications of his ethical and metaphysical theories in the case of a Clyde Griffiths.

Another problem with Dreiser's ethical theory lies in his assumption that moral and legal codes are ineffective to prevent people from doing forbidden acts. No doubt murders and thefts occur despite the existence of criminal rules and sanctions, but Dreiser seems to ignore entirely the number of potential crimes which have not happened because people have been deterred by legal consequences. The same is true of moral codes. If a certain course of conduct will bring a person under threat of social ostracism, or will make him feel guilty, he will tend to avoid that course of conduct. Indeed it is precisely in the areas of human conduct in which people are tempted to do socially undesirable acts that prohibitory laws and moral codes are useful. Dreiser inconsistently recognizes the deterrent effect of moral and legal codes when he talks about the multitudes of weak people who are repressed by legal and social institutions like marriage. But he forgets this when he works out his ethical theory.

In answer to the above argument, Dreiser reverts to determinism. If a man is driven to do something, no man-made institution can stop him. Here Dreiser falls into another inconsistency. Throughout his work Dreiser makes it clear that what a man does is determined by his temperament and his environment. But if mankind as a whole can shape its environment by

creating moral and legal codes with sanctions, then these codes become one of the factors determining man's conduct. Of course a man may be driven to commit a crime but the fear of legal sanctions and social ostracism will be a powerful force working the other way. It may be debatable whether moral and legal codes in a determinist world should be written in the language of personal guilt or innocence,²⁸ but it does not seem possible to argue as Dreiser does that such codes have no effect at all.

Much of the difficulty in Dreiser's thinking about ethics flows from his assumption that ethical judgments are possible and valid only if there is some moral order in the universe. In the parochial schools which Dreiser hated so, he must have learned something of the Thomistic theory of law which sees human law as deriving its force from the natural law created by God, imbedded in the universe and discoverable either by reason or by revelation.²⁹ Dreiser lost his faith in Roman Catholicism but he seems to have spent much of his life searching for a substitute for a God-given natural law. He apparently did not consider seriously other possible ethical theories, although he mentions once or twice that ethical judgments may be derived from some form of social contract.³⁰ The only substitute for natural law which Dreiser is able to advance is the great equation. Dreiser asserts that the equation is non-moralistic but it seems at times to assume the proportions of a normative principle.³¹ Still it is hardly a satisfactory source for all moral and legal judgments. Dreiser does not develop it in that direction.

As Vivas has pointed out, Dreiser is not consistent in his ethical theory.³² Throughout his writings, he expresses preferences for or against certain kinds of people or conduct. For example, he makes it clear that he does not like hypocrites. Such preferences must flow from

an unstated ethical theory and, to this extent, Dreiser is unable to get along entirely without one. But these departures from theory are not as widespread as Vivas argues, nor are they limited to Dreiser's fiction. For the most part, Dreiser makes an effort not to judge the characters and events he describes. As he says at the end of "Nigger Jeff," the function of the artist is not to indict but to interpret.

Much of the above discussion of Dreiser's ethical theory is directly relevant to his conception of law. Here again Dreiser's loss of faith in the Roman Catholicism of his youth coupled with his observations of hypocrisy and lawbreaking in the American cities of the late nineteenth century led him to question the validity and the utility of any legal system in the face of the uncontrollable forces of the universe. Apart from the great equation, man could discern no pattern of fundamental rules or norms in the universe akin to the natural law of Roman Catholic theology. All that man with his limited vision could see were the laws of chemistry and physics, which are not laws at all in the sense of norms but rather summaries of past events in nature together with predictions as to future conduct. In such an amoral and purposeless universe, human legal systems seemed to be stripped of validity and force.

In the developing cities of America, Dreiser was given additional reason to doubt the efficacy of law as a form of social organization. The gap between rural morality and the burgeoning commercial activity of the cities was as obvious in the law as it was in moral behaviour. The result was that the legal rules, designed for a rural economy, were brushed aside in the cities partly because they were inappropriate but partly also because they stood in the way of business.³³ The result which Dreiser

observed and recorded in his books was a massive hypocrisy which characterized the legal system from top to bottom, a hypocrisy which we have briefly described in Chapter I.

Almost without exception, Dreiser depicts the functionaries of the legal system, whether police, lawyers, officials, or judges, as being brusque, inhuman, secretive and corrupt.³⁴ Their ostensible function may be to operate the system in the interests of the people, but their real role is to improve their personal positions at the expense of everyone else. The politicians are the same.³⁵ There are exceptions like the socialist in "A Mayor and His People"³⁶ and Governor Swanson in The Titan, but both are bitterly opposed by the financial and business interests, and both are eventually voted out of office by a shortsighted electorate.

Dreiser is particularly hard on the lawyers because he seems to have shared the common view that they are in some personal sense responsible for the ills of the legal system.³⁷ In Dreiser Looks at Russia, he applauds the efforts of the Russian government to get rid of the "harpy bands of lawyers, sharpers, technical experts, et cetera, et cetera, as invariably infests and befogs every important trial here."³⁸ In the whole of Dreiser, there is only one lawyer who is treated sympathetically, namely, Governor Swanson, and he is shown acting, not as a lawyer but as a politician.

The quality of hypocrisy characterizes not only the functionaries of the system but the system itself. The legal system is a structure of rules designed to accomplish certain purposes. But in Dreiser's fiction, these rules are continually being perverted to serve some non-legal end

which may be very different from the ostensible purpose of the rule. An interesting example occurs in Jennie Gerhardt. Archibald Kane wishes to force his son Lester either to leave his mistress Jennie or at the least to marry her. But Lester is over the age of twenty-one, and the law does not give a father any direct control over a son who has reached his majority. What Archibald does is draft his will to provide that on the father's death Lester shall receive ten thousand dollars a year for three years and then he shall have a choice:

First, he was to leave Jennie, if he had not already married her, and so bring his life into moral conformity with the wishes of his father. In this event Lester's share of the estate was to be immediately turned over to him. Secondly, he might elect to marry Jennie, if he had not already done so, in which case the ten thousand a year, specifically set aside to him for three years, was to be continued for life--but for his life only. Jennie was not to have anything of it after his death. . . . If Lester refused to marry Jennie, or to leave her, he was to have nothing at all after the three years were up.³⁹

Archibald uses the law to effect a purpose for which the law was never designed. The law of wills is not generally intended to correct people's moral lapses; its purpose is to effect an orderly distribution of property after death. Archibald drafts a will which ostensibly distributes property, but which has another purpose: to force Lester to abandon Jennie. Thus the father is able to do indirectly what the law forbids him from doing directly, namely, to exercise control over a son who has reached the age of twenty-one. This kind of hypocritical use of legal rules to achieve non-legal purposes is typical of the legal system and underlines its hypocrisy. Moreover it leads to the Marxist criticism of the legal system which Dreiser develops in Tragic America.

Dreiser's attitude to legal hypocrisy is ambiguous. On the

one hand, he says in a number of places that secrecy and dishonesty are common modes of conduct in nature and are necessary as weapons in the battle for survival.⁴⁰ If this is so, lawyers should not be criticized for using techniques which are natural. But still Dreiser gives us the feeling that while secrecy in some people is all right, secrecy in other people is wrong. It is one thing for Cowperwood to hide his intention in order to defeat his enemies; it is quite a different thing for lawyers and judges to pretend to a set of ideals which they do not practise. This is another example of the hidden value judgments which Dreiser seems to be incapable of keeping out of his picture of life.

Dreiser has much to say about the law as a vehicle for the operation of the great equation in human affairs, but it is useful to defer discussion of that idea to the chapter on The Financier and The Titan.

Before coming to the novels, it is necessary to add only a very short note on Dreiser's politics. Critics say that Dreiser was confused and inconsistent on political questions. In his writings up to 1927 (the year of his trip to Russia), Dreiser tended to be very deterministic in outlook, aware of social and economic injustices but pessimistic about the power of men to change their lot. After 1927, he tended to be more optimistic about political reform or at any rate more prepared to engage in political action. But throughout his life Dreiser vacillated between a pessimistic belief that men cannot change their society and an inconsistent hope that they might.⁴¹

As a result of this uncertainty, Dreiser was similarly incapable of deciding between democracy and tyranny as the proper form of government. It is certain, as Swanberg says, that Dreiser liked strong

leaders and a succession of them can be found in Dreiser's writings.⁴² Still he was aware of the dangers of untrammelled tyranny and he respected the "right" of the people to have some control over their political destiny.⁴³

Much might be said about Dreiser's shifting political views, his relationship to the Progressive movement, and so on. But it is probably enough to say that while Dreiser wrote extensively on political questions, these writings were in a sense irrelevant to the novels to be examined. Dreiser lived in the period of the muckrakers and the realists and he is usually described as a naturalistic novelist, but in a sense he was not one of them at all. He used the novel, not as a political broadsheet, but as a literary device through which he could try to picture and to understand the confusing and mysterious world around him. Dreiser's novels are less politics than meditation. The best expression of his view of the literary art, and a useful introduction to an examination of the novels, is to be found in an interview which he gave in 1921. The passage is so illuminating that it deserves to be quoted in full and without comment:

Today in America the realistic novel is at its climacteric . . . 'Main Street,' 'Zell,' 'Moon Calf' . . . 'Erik Dorn,' 'Brass,' 'The Narrow House' and others. . . .We are growing a crop of rugged, hard-hitting, out-spoken novelists and this is not a matter to be deplored. . . .But . . .

What we miss in American fiction is power of imagination. . . .Perhaps it is not out of place to speak of this at the time of the centenary of . . .Dante. If there are all the chain cigar stores, chain drug stores, haberdasheries, movie theatres, and big hotels in Manhattan to describe, here are also Hell, Heaven and Purgatory of the soul, which Dante would have found. It is that he would have gone beyond mere realistic description and shown us the half-monstrous proportions of our city like a giant sphinx with wings. The power of such imagination would lift a modern book into glorious fantasy.

. . .The mechanical miracle around us . . .keen works of science and philosophy . . .it would seem that men should be stimulated as never before. Yet . . .vigor our novelists possess, but little exaltation. . . .They are content to examine the inside of a boarding house or chronicle the mere number of windows in the colossal stone and steel shells of our buildings. They stick close to the curbstone. They rarely climb any such heights as Dante climbed to look out over the tremendous waste of lives. . . .The true epic of a modern city has never been written. It is no longer a theme for poetry. It demands an epic treatment in prose. . . .

The modern city is as mystical thing . . .as a paradiso. It is so crowded with grotesque, ironic, evilly fantastic things. . . .Nothing is too terrible, absurd or sublime to happen here and now. The palette is prepared with every conceivable color for a master painter.⁴⁴

CHAPTER IV

THE FINANCIER AND THE TITAN: THE GREAT EQUATION

When Dreiser advised young writers to create prose epics about the American cities, he may have been thinking of The Financier and The Titan.¹ But Dreiser's intention in the Financial Trilogy was not simply to tell the story of a great modern hero, but to set down, in Dorothy Dudley's words, "the dominant fable of our life."² As Mrs. Dudley makes clear, Dreiser was trying in these novels to do more than simply record the rise and fall of a business tycoon, although he does that with considerable accuracy and detail. Dreiser was interested in the biography of Charles T. Yerkes, the real life model for Cowperwood, as a fascinating story which would illuminate that period in American history when the financiers were gathering enormous fortunes. But he was also interested in asking whether the story of Yerkes-Cowperwood would explain any of the mysteries of the universe which so fascinated him. Why are a few men successful while many are failures? More important, why did Yerkes himself fall from the pinnacle of success? Like so much of his fiction, the Financial Trilogy is written sub specie aeternitatis and is intended to lead the reader into the questions of ethics and metaphysics discussed in Chapters II and III.³

The law plays an important part in the fortunes of Frank Cowperwood. During his rise to wealth and power, Cowperwood uses it as a weapon to protect himself and to defeat his enemies. But Cowperwood suffers defeats towards the end of each of the three novels, and in

each case it is the law which is the agent of the defeat. In a deeper sense, Cowperwood's fortunes depend on the principle of balance and equation in the universe, and if we think of the great equation as a natural or universal rule, the theme of law becomes very important to an understanding of the story which Dreiser tells in these novels.

Early in The Financier, the young Frank Cowperwood is presented as an exceptional boy, a boy who is likely to achieve much more success than his father. The initial chapters of The Financier read very much like a modified Horatio Alger story. The father is a bank clerk, a man "who believed only what he saw and was content to be what he was-- a banker, or a prospective one (F. 5)." He is a good teller because of his caution. "Unfortunately, for him, he lacked in a great measure the two things that are necessary for distinction in any field--magnetism and vision. He was not destined to be a great financier, though he was marked out to be a moderately successful one (F. 6)."

Frank Cowperwood differs from his father because he has magnetism and vision, and also because he is destined to be a great financier. From the beginning, we are told that the great financier is born, not made, and Frank has the necessary qualities. He is incisive, self-sufficient, sensible, vigorous, sturdy, courageous, defiant, "a natural-born leader (F. 7)." There follows a revealing comment. "From the very start of his life, he wanted to know about economics and politics. He cared nothing for books (F. 7)." On the surface, Dreiser is not overtly condemning or praising here; he appears simply to be recording the fact that Frank has no time for books. But there is an under-current of criticism which should not be missed. On the one hand, Dreiser

respects strong men, like the successful individuals he interviewed for newspapers and periodicals around the turn of the century. On the other hand, Dreiser believes that life cannot be understood except by the few who have the capacity and desire for meditation. Cowperwood's no-nonsense attitude to books reflects a similar attitude to meditation in which he rarely indulges. Cowperwood's "vision" becomes therefore an ambiguous symbol. Cowperwood has what Dreiser later calls an "executive" mind (F. 396). He can make good tactical decisions because he can see the visible world so clearly; but he cannot see through the visible world into the invisible world. This weakness will ultimately be his downfall.

An example which may illustrate Cowperwood's strengths and failings is the episode of the squid and the lobster. Frank watches a squid and a lobster in a fish tank. The lobster stalks the squid and eventually catches and eats it. Fascinated by this bitter struggle, Frank is sorry when he misses the final kill. He speculates on the meaning to be drawn from the incident and concludes that because the lobster had armour and weapons while the squid had neither, the result was inevitable. The squid did not have a chance.

The incident made a great impression on him. It answered in a rough way that riddle which had been annoying him so much in the past: "How is life organized?" Things lived on each other--that was it. Lobsters lived on squids and other things. What lived on lobsters? Men, of course! Sure, that was it! And what lived on men? he asked himself. Was it other men? Wild animals lived on men. And there were Indians and cannibals. And some men were killed by storms and accidents. He wasn't so sure about men living on men; but men did kill each other. How about wars and street fights and mobs? He

had seen a mob once. It attacked the Public Ledger building as he was coming home from school. His father had explained why. It was about the slaves. That was it! Sure, men lived on men. Look at the slaves. They were men. That's what all this excitement was about these days. Men killing other men--negroes (F. 8-9).

But when Frank hurries home to tell his parents what he has seen, their reaction is disappointing.

He went on home quite pleased with himself at his solution.

"Mother!" he exclaimed, as he entered the house, "he finally got him!"

"Got who? What got what?" she inquired in amazement. "Go wash your hands."

"Why, that lobster got that squid I was telling you and pa about the other day."

"Well, that's too bad. What makes you take any interest in such things? Run, wash your hands." (F. 9)

The father also thinks it "too bad" that the lobster gets the squid (F. 9).

Dreiser is making a number of points here. The first, obviously, is that the parents do not understand the real nature of the struggle for survival which typifies their world and which is symbolized by the incident of the lobster and the squid. They make conventional moralistic expressions of regret at the squid's death. What they fail, or refuse, to see is that in this world the weak always lose to the strong, and that there is no moral order in the universe which can change this pattern. If they were realistic, they would concede, as their son does, that this is the way the world is, and then they would be able to attempt a realistic appraisal of their position. But Dreiser knows that weak people do not make such realistic assessments; instead they lean on the crutch of conventional, if outworn, religion and morality.

This difference between the moralistic older generation and the young amoral Cowperwood will be repeated in a series of confrontations in The Financier and The Titan between Cowperwood's mistress Aileen and her father, Edward Malia Butler, between Cowperwood and Butler and, in a different way, between Cowperwood and Schryhart, Hand and the other established businessmen who oppose Cowperwood in Chicago. These confrontations are concrete incidents of a struggle which Dreiser saw occurring in the developing American cities between the old rural morality, inappropriate to new conditions, and a new, more honest amorality which recognized the facts of urban industrialized America. The confrontation is not between differing ways of doing business; Butler, Schryhart, and Hand are as unscrupulous and as tough as Cowperwood, and Cowperwood's father would be tough if he knew how. At issue in these confrontations are differing modes of rhetoric, differing ways of describing what is going on, and differing degrees of honesty. In this battle, Dreiser is clearly on the side of Cowperwood.

But there is a deeper point in the lobster-squid episode. Cowperwood sees that lobsters kill squids, and that lobsters in turn are killed by men. He then attempts to transfer the lesson to the human world but does so only partially. He notes that strong men prey on the weak, but fails to see that strong men, like lobsters, are themselves controlled by a greater force. If a strong man becomes too powerful, he will be brought down, like the lobster, by the principle of balance or equation which operates throughout the universe of animals and men and which was discussed

in Chapter III. In the physical world, as in the world of men, there operates the great equation, a law of nature which no one can disobey. Cowperwood fails to understand this because his vision is limited to the visible world. That world he knows very well but, as events prove, not well enough.

Frank quickly realizes his natural ability for business and leaves school to join a firm of grain and commission brokers. His rise in the world of business is rapid, partly because of his natural ability, partly because of his environment, and partly because he proves to be lucky. At the same time, Cowperwood is developing an interest in women. His attitude is characteristically amoral.

He preferred to think of people--even women--as honestly, frankly self-interested. He could not have told you why. People seemed foolish, or at the best very unfortunate not to know what to do in all circumstances and how to protect themselves. There was great talk concerning morality, much praise of virtue and decency, and much lifting of hands in righteous horror at people who broke or were even rumored to have broken the Seventh Commandment. He did not take this talk seriously. Already he had broken it secretly many times (F. 37).

Cowperwood's harsh, almost brutal, attitude to women is illustrated by his courtship of Lillian Semple, in which he literally forces his strong will on her weaker will.

Cowperwood's amoral but honest pursuit of Mrs. Semple is paralleled by his similarly cold-blooded search for financial success. Frank become a stockbroker and learns early that in order to succeed he must appear indifferent and inscrutable in order not to indicate his real intentions. As in nature, the businessman who wishes to survive, let alone succeed, must be prepared to hide his thoughts

and to lie about his actions and intentions. The only person with whom he must be honest is himself. In scene after scene, businessmen conduct negotiations through a haze of half truths and outright lies. The only difference between Cowperwood and his enemies is that Cowperwood tends to be more brazen in his manipulations and less inclined to rely on moral or legal arguments to support his case, unless they appear necessary to convince a person foolish enough to be taken in by such illusions.

Throughout The Financier, Cowperwood is involved with the law; his relationship to it becomes of fundamental importance to the novel. He begins with the assumption that once he becomes powerful enough, legal and moral obstacles will evaporate.

Force was the answer--great mental and physical force. Why, these giants of commerce and money could do as they pleased in this life, and did. He had already had ample local evidence of it in more than one direction. Worse--the little guardians of so-called law and morality, the newspapers, the preachers, the police, and the public moralists generally, so loud in their denunciation of evil in humble places, were cowards all when it came to corruption in high ones. They did not dare to utter a feeble squeak until some giant had accidentally fallen and they could do so without danger to themselves (F. 121).

Like any epic hero, Cowperwood ventures out on a quest, but his search is for wealth and power; the motto emblazoned on his coat of arms is "I satisfy myself (F. 121)."

Cowperwood's principal money-making device in The Financier is his arrangement with George Stener, the city treasurer, and it is through this deal that Cowperwood becomes involved with the law. It has long been the custom for the city treasurers of Philadelphia

to use city money illegally to gamble on the stock exchange; indeed, some members of the political machine that elected Stener expect him to do the same so that they can profit, too. Cowperwood is happy to assist Stener in looting the city treasury because the stockbroker can make a fortune from the money thus provided by a bewildering financial scheme which will baffle the foolish city treasurer. But the chance occurrence of the Chicago fire causes a run which Cowperwood cannot withstand. He fails, and the theft is out in the open.

Even the freakish Chicago fire would not be enough to destroy Cowperwood were it not for his folly in taking as a mistress the daughter of Edward Malia Butler, one of the most powerful political figures in Philadelphia. Again Dreiser is telling us that Cowperwood has weaknesses as well as strengths and his weaknesses will contribute to the collapse of the career he has built for himself. Cowperwood falls because of Stener's weakness, the incident of the \$60,000 cheque, and other factors, but his collapse has been ensured by the uncontrollable desire for Aileen Butler which brings down on his head the implacable hatred of her father. It is not accidental that Dreiser describes Butler on at least two occasions as Cowperwood's Nemesis (F. 344, 349). It is not, therefore, man's law which causes Cowperwood's downfall. The law is simply the agent through which Cowperwood's enemies and ultimately the great equation operate to stop his climb to power.

As already noted, the quality which typifies the legal system in The Financier is hypocrisy. The laws grow out of the old morality of rural America and are therefore inappropriate to the

freewheeling commercial battles of the cities. The laws are therefore simply not enforced, or are used by Cowperwood as well as by his enemies to effect some non-legal purpose. Lawsuits are used to force down the value of shares on the market (F. 140-141) or to delay creditors (F. 220-221). The prosecution of Cowperwood and Stener is carried on for a mixture of personal, political and commercial reasons (F. 226-230, 237-239, 348). Cowperwood's release from jail is granted, not because he has paid his debt to society or has reformed, but because his persecutor Butler has died and because Stener's friends know that to get Stener released Cowperwood must be let go for the sake of appearances (F. 422, 428-431). This quality of hypocrisy and dishonesty pervades the system and taints its functionaries, whether they be lawyers, judges or jailors.

But Dreiser's purpose is not simply to pillory the legal system and the people involved in it. Dreiser sees the law as an image of the futility of man's efforts at social structure and organization when the world's real organizers are the forces which dominate and drive men. It may therefore be useful to examine in some detail Cowperwood's trial and subsequent imprisonment.

The hearing is held in the famous Independence Hall, now the Philadelphia court house. Thus at the outset Dreiser places the trial in ironic juxtaposition with a famous symbol of the founding of the United States. Dreiser has no faith in the myths of American democracy, the Constitution and the elected judiciary, and he here shows them as faded, dingy shadows of an ideal, especially when compared to the vibrant, alive, and amoral world of urban industrial

America of the late nineteenth century. Dreiser underlines the point by describing the court room as one which may originally have been impressive but which is now dusty, dreary and inappropriate to the trial it is to house (F. 285-286). Even the formal statement at the beginning of the trial which was originally a "beautiful and dignified statement of collective society's obligation to the constituent units (F. 286)" has been permitted by custom and indifference to degenerate to a mumble.

The lawyers on both sides of the case demonstrate the hypocrisy of the legal system. Cowperwood's lawyer, Harper Steger, is described as being cruel, cunning and opportunistic.

He was cruel to the limit of the word, not aggressively but indifferently; for he had no faith in anything. He was not poor. He had not even been born poor. He was just innately subtle, with the rather constructive thought, which was about the only thing that compelled him to work, that he ought to be richer than he was--more conspicuous (F. 222).

The district attorney, Dennis Shannon, is a young politician anxious to impress his political masters by obtaining Cowperwood's conviction. Shannon admits to himself that if he had been in Cowperwood's place he would have done the same thing. "However, he was the newly elected district attorney. He had a record to make; and, besides, the political powers who were above him were satisfied that Cowperwood ought to be convicted for the looks of the thing (F. 315)."

The picture of hypocrisy and futility is strengthened by Dreiser's description of Wilbur Payderson, the judge in Cowperwood's case. He is a rather weak and "thin-blooded" man who has acquired his present unimportant judicial post by unflagging loyalty to the

Republican political machine which has decided to prosecute Cowperwood (F. 286). "Technically, he was learned in the law; actually, so far as life was concerned, absolutely unconscious of that subtle chemistry of things that transcends all written law and makes for the spirit and, beyond that, the inutility of all law, as all wise judges know (F. 286-287)." But Payderson thinks he understands and, worse, thinks that he wields some significant power in the community. Payderson is a party judge who will convict Cowperwood, despite a considerable doubt about his legal guilt, because his political bosses have told him to. But Payderson rationalizes his position with a hypocritical subtlety which Dreiser seems to have seen as typical of lawyers.

[Payderson] fairly revered property and power. To him Butler and Mollenhauer and Simpson were great men--reasonably sure to be right always because they were so powerful. This matter of Cowperwood's and Stener's defalcation he had long heard of. He knew by associating with one political light and another just what the situation was. The party, as the leaders saw it, had been put in a very bad position by Cowperwood's subtlety. He had led Stener astray . . . Besides, the party needed a scapegoat--that was enough for Payderson, in the first place. Of course, after the election had been won, and it appeared that the party had not suffered so much, he did not understand quite why it was that Cowperwood was still so carefully included in the proceedings; but he had faith to believe that the leaders had some just grounds for not letting him off Anyhow, it was generally understood that for the good of the party, and in order to teach a wholesome lesson to dangerous subordinates--it had been decided to allow these several indictments to take their course. Cowperwood was to be punished quite as severely as Stener for the moral effect on the community (F. 288).

Dreiser does a good job here of showing the sophistical reasoning by which Payderson convinces himself that he can follow the dictates of

the political bosses and still do justice.⁴

The trial itself is a dumb-show in which the lawyers and the witnesses take part in a ritual battle which has little to do with finding truth. The lawyers spar for advantage, argue firmly against the admission of prejudicial evidence, and generally try to confuse or deceive the jury into accepting their individual points of view (F. 292-293, 297-302). The jury for its part looks through the rhetoric and the legalities to the real facts (F. 301, 307-308).

When the jurymen retire to their room to come to a decision, it is clear that they, like all the participants in the litigation, are controlled by forces larger than themselves. Dreiser says that juries waver and speculate but that they are finally forced to impose order on the facts proven in the trial, and to reach a decision.

There is something so inherently constructive in the human mind that to leave a problem unsolved is plain misery. It haunts the average individual like any other important task left unfinished. Men in a jury-room, like those scientifically demonstrated atoms of a crystal which scientists and philosophers love to speculate upon, like finally to arrange themselves into an orderly and artistic whole, to present a compact, intellectual front, to be whatever they have set out to be, properly and rightly--a compact, sensible jury. One sees this same instinct magnificently displayed in every other phase of nature--in the drifting of sea-wood to the Sargasso Sea, in the geometric interrelation of air-bubbles on the surface of still water, in the marvellous unreasoned architecture of so many insects and atomic forms which make up the substance and the texture of this world. It would seem as though the physical substance of life--this apparition of form which the eye detects and calls real--were shot through with some vast subtlety that loves order, that is order. The atoms of our so-called being, in spite of our so-called reason--the dreams of a mood--know where to go and what to do. They represent an order, a wisdom, a willing that is not of us. They build orderly in spite of us. So the subconscious spirit of a jury (F. 324-325).

If there is an order in the universe which moves this jury to convict Cowperwood, it is the movement towards balance and equation which has been discussed before. The jury is the agent of the great equation which is opposed to Cowperwood and which completes his collapse.

Cowperwood appeals his conviction to the State Supreme Court but loses, again because of the political ties between the judges and Cowperwood's enemies in the Republican party. The hypocrisy of the upper court decision is heightened by the fact that two judges dissent. "The minority decided that it would not do them any harm to hand down a dissenting opinion. The politicians would not mind as long as Cowperwood was convicted--would like it better, in fact. It looked fairer (F. 352)." All five judges fancy that they are considering the case fairly and impartially, but they still know which side their bread is buttered on.

Dreiser uses the sentencing procedure to underline his view of the entire legal process. The incident of the negro who is sentenced before Cowperwood shows again how pompous and how imperceptive Payderson is. Moreover the judge is hypocritical, as his speeches in support of his sentencing of Cowperwood and Stener indicate, because he knows very well what sentence is desired by his political masters. During the sentencing of Stener, Dreiser has the judge make a reference to the Garden of Eden which carries overtones of which Payderson is unaware.

"The people had confided to you the care of their money." he went on, solemnly. "It was a high, a sacred trust. You should have guarded the door of the treasury even as the cherubim protected the Garden of Eden, and should have turned the flaming sword of impeccable honesty against every one who approached it improperly. Your position as the representative of a great community warranted that (F. 379-380)."

The double-edged image of the Garden reminds us that in fact the angels were unsuccessful in guarding Eden from Satan, as Stener was unable to keep Cowperwood out of the treasury. But the image also reminds us that man has been ejected from Eden and cannot return because the way is barred, again by an angel with a flaming sword. By implication, Dreiser is attacking the naive view of America as ideal and Edenic. The reality is that America is as evil as it is good. The Founding Fathers, the United States Constitution, the convention in Independence Hall, none of these have changed or can change the nature of man. The United States is not Eden before the Fall; it is the world of postlapsarian man, and it is dangerous folly to pretend or to believe otherwise.

The above exegesis is not intended to show that Dreiser's imagery is that of a Christian writer. Dreiser knew the Bible and the Christian tradition and he used symbolism drawn from religion. But the symbolism is, as it were, denatured or failed Christian symbolism. For Dreiser, the Garden of Eden carries the final bitter overtone that there never was such a place and that there never will be.⁵

Once sentenced, Cowperwood is imprisoned and serves part of his sentence before he is pardoned. The prison itself is a grim but efficient "machine of the law" which epitomises the naked force and power of the State which is the ultimate sanction of its legal system (F. 383-384). The prison is organized on the unrealistic assumption that people should be treated equally, but Cowperwood soon learns that even here the strong and wealthy will be treated more

favorably than the poor or the weak. The natural inequality of men can never be regulated out of existence.

While in prison, Cowperwood has an opportunity to speculate about his life and his world, but his speculations are limited and inconclusive. The reason, Dreiser tells us, is that Cowperwood does not have a mind of the first order. "[His mind] was subtle enough in all conscience--and involved, as is common with the executively great, with a strong sense of personal advancement. It was a powerful mind, turning, like a vast searchlight, a glittering ray into many a dark corner; but it was not sufficiently disinterested to search the ultimate dark (F. 396)."

What Cowperwood can see clearly is that his destiny is to make money and that the imprisonment will be only a temporary obstruction. What Cowperwood does not see is that he cannot escape from the operation of the great equation in human affairs. Towards the end of the novel, after Cowperwood has left prison and after he has recovered his fortune in a stock market coup, he says to himself, "I have had my lesson I am as rich as I was, and only a little older. They caught me once, but they will not catch me again (F. 444)." But Cowperwood is wrong. "They" do catch him again at the end of The Titan and, in a different form, at the conclusion of The Stoic. Cowperwood cannot escape unscathed the operation of this one omnipotent natural law.

Towards the end of his incarceration, Cowperwood sees his wife and tells her that he intends to divorce her and marry Aileen Butler. He is characteristically blunt.

I married you when I was twenty-one . . . and I was really too young to know what I was doing. I was a mere boy. It doesn't make so much difference about that. I am not using that as an excuse. The point that I am trying to make is this--that right or wrong, important or not important, I have changed my mind since. I don't love you any more, and I don't feel that I want to keep up a relationship, however it may look to the public, that is not satisfactory to me. You have one point of view about life, and I have another. You think your point of view is the right one, and there are thousands of people who will agree with you; but I don't think so. We have never quarreled about these things, because I didn't think it was important to quarrel about them (F. 420).

This kind of argument recurs in The Financier and The Titan. Cowperwood is saying here (and Dreiser would agree) that when two people differ on a moral question, there is no way that the two can by rational argument reach a compromise. One person's position is as good as that of the other; the only difference is in the relative strength or weakness of the debaters.

This kind of moral relativism flows logically from Dreiser's ethical theory. But it is also strikingly similar to the ethics of his contemporary, Judge Oliver Wendell Holmes, Jr. In an essay called "Natural Law," Holmes put his relativism as follows:

Deep-seated preferences cannot be argued about--you cannot argue a man into liking a glass of beer--and therefore, when differences are sufficiently far reaching, we try to kill the other man rather than let him have his way. But that is perfectly consistent with admitting that, so far as appears, his grounds are just as good as ours. . . .

It is true that beliefs and wishes have a transcendental basis in the sense that their foundation is arbitrary. You cannot help entertaining and feeling them, and there is an end of it.⁶

There are other interesting parallels between Holmes and Dreiser.⁷ Both derive much of their theory from Herbert Spencer, although both modify Spencer in various ways. Both reject a system of

natural law, whether it flows from religious revelation or from Kantian application of reason. Holmes was particularly critical of the attempts of Kant and his school to work out from first principles a system of natural law which all advanced legal systems must approach. Dreiser had read some Kant and one may surmise that he would have rejected the Kantian theory of natural law on the same grounds that he rejects the natural law doctrines of the church. Both Holmes and Dreiser are prepared to concede that the legal system does not operate equally between men but in fact permits the strong to bear down on and crush the weak. Finally both Holmes and Dreiser doubt the power of a law-making body to impose its values or its will on the people. During his long tenure as a judge of the Supreme Court of the United States, Holmes dissented repeatedly from decisions overruling state legislation. The majority in these cases usually decided on the ground that the legislation infringed on the fundamental freedoms enshrined in the United States Constitution. Holmes' dissents usually did not flow from a social policy different from that of the majority; instead Holmes' reason for dissenting was that the courts should not, and in the last analysis, could not oppose a statute which reflected the policy and sentiment of the people of a state.⁸ It is only a step from this kind of judicial passivity to Dreiser's argument that law is always useless as a device to check the desires or the wishes of men.

Dreiser ends The Financier by underlining the ideas of determinism and equation which are the organizing themes of the book. He gives a brief account of the Black Grouper, a fish which is

capable of changing its colors so as to hide itself from the sight of other fish. The point is that secrecy is essential in nature as in the human world of finance.⁹ Then Dreiser turns directly to Cowperwood and predicts his subsequent downfall. "Hail to you, Frank Cowperwood, master and no master, prince of a world of dreams whose reality was disillusion (F. 448)!" The real masters are the forces which control everyone including Cowperwood. Cowperwood thinks that he understands everything; in truth what he understands is the visible world. But to see the visible world without seeing beyond is, like taking the dream for the reality, an exceedingly dangerous error, as Cowperwood will discover.

It will be possible to deal more summarily with The Titan. This second book of the Trilogy is less effective than The Financier, partly because Dreiser revised The Financier extensively before its republication in 1927 but did not do the same necessary job on The Titan. The result is that Stuart Sherman's jibe about Dreiser's novels best applies to The Titan; it is "a sort of huge club-sandwich composed of slices of business alternating with erotic episodes."¹⁰ The "erotic episodes" are weak, both as pornography and as literature, but the business material is still impressive. There are one or two fine scenes, such as the tempting of Mayor Sluss (T. 295-298, 302-307, 340-346), and the meeting of the financiers of Chicago confronted and faced down by Cowperwood (T. 362-395). The novel is long and slow-moving but the account of Cowperwood's campaign to get the fifty-year franchise is effective.

The commercial part of the novel is principally concerned with

Cowperwood's efforts to build up and to secure his traction industry in Chicago. Again his business affairs become entangled with the law, and his eventual success or failure depends on his legal manou-
verings. As in The Financier, the law is continually misused or abused by Cowperwood and his rivals to delay creditors (T. 497), to thwart commercial rivals (T. 47, 74-75) or simply to gain publicity (T. 236). The Redmond Purdy affair is an interesting example. Purdy owns an office building standing on land which Cowperwood wants for his traction system. Unable to persuade Purdy to sell for a reasonable price, Cowperwood waits until a Saturday afternoon when he brings a crew of men to Purdy's land and begins to destroy his building. Purdy arrives and, not surprisingly, protests this trespass.

But, strange to say, this was of little avail, for they were shown a writ of injunction issued by the court of highest jurisdiction, presided over by the Honorable Nahum Dickensheets, which restrained all and sundry from interfering. (Subsequently, on demand of another court, this remarkable document was discovered to have disappeared; the contention was that it had never really existed or been produced at all (T. 233-234).)

Purdy's lawyers are instructed to proceed at once to try to stop the trespass and the destruction.

Law is law, however. Procedure is procedure, and no writ of injunction was either issuable or returnable on a legal holiday, when no courts were sitting. Nevertheless, by three o'clock in the afternoon an obliging magistrate was found who consented to issue an injunction staying this terrible crime. By this time, however, the building was gone, the excavation complete. It remained merely for the West Chicago Street Railway Company to secure an injunction vacating the first injunction, praying that its rights, privileges, liberties, etc., be not inter-
fered with, and so creating a contest which naturally threw the matter into the state court of appeals, where

it could safely lie. For several years there were numberless injunctions, writs of error, doubts, motions to reconsider, threats to carry the matter from the state to the federal courts on a matter of constitutional privilege, and the like. The affair was finally settled out of court, for Mr. Purdy by this time was a more sensible man (T. 234).

Dreiser may be wrong in detail here, but the feeling and texture of this legal (or illegal) maneuver ring true. Law can be used to accomplish the illegal. Moreover this kind of legal chicanery supports Dreiser's general picture of the law as dishonest and hypocritical.

The portraits of lawyers and judges in The Titan enforce and develop the themes of dishonesty and hypocrisy. The lawyers that Cowperwood hires in Chicago are different from Steger, Cowperwood's Philadelphia lawyer, and from each other. General Van Sickle is a dishonest shyster (T. 49-51), Kent McKibben is reserved, speculative and dandified (T. 49-51), and Burton Stimson is incisive but pliable, "born very poor, eager to advance himself (T. 53)." However they all act in much the same way when they are employed by Cowperwood to acquire railroad franchises (T. 53-55). As in The Financier, judges like Judge Dickensheets can be bought and sold. It is a measure of Cowperwood's rise to power that he is in a position to control some judges and to use them instead of lawyers to run important errands.

The other great legal institution with which Cowperwood comes in contact is the political system. Again Dreiser's assessment is pessimistic. Elections can be bought; individual legislators and municipal councillors can be bribed (T. 199-200, 204, 432-437, 484-489). Democracy therefore is a sham because the strong and wealthy retain

their control of the society through their control of the elected representatives.

To this general corruption and hypocrisy, Dreiser creates one exception, the figure of Governor Swanson. Swanson has been a lawyer and judge before becoming governor. But he has nevertheless retained an idealism and an honesty which force him to veto Cowperwood's legislation to establish a public service commission to deal with railway franchises. Cowperwood wants the bill passed because he thinks that he can more easily persuade the commission to grant him a fifty year franchise than he can the Chicago municipal council. Swanson objects to the bill for precisely that reason and also because he is aware that Cowperwood has bought the majority which voted for his bill in the State Legislative Assembly. At bottom, Swanson's objection to Cowperwood's bill is that it will subvert democracy, and Swanson believes in democracy.

In a vague way [Swanson] sensed the dreams of Cowperwood Would he be proving unfaithful to the trust imposed on him by the great electorate of Illinois if he were to advantage Cowperwood's cause? Must he not rather in the sight of all men smoke out the animating causes here--greed, overweening ambition, colossal self-interest as opposed to the selflessness of a Christian ideal and of a democratic theory of government? (T. 440)

Cowperwood sends Judge Dickensheets to Swanson, but the Judge is unable to convince the Governor. The Judge uses the rhetoric of "justice" and "fair play," but Swanson cuts through to the issue as he sees it.

This is a matter of faith in democracy--a difference in ideals between myself and many other men What you propose is sumptuary legislation; it makes null and

void an agreement between the people and the street-railway companies at a time when the people have a right to expect a full and free consideration of this matter aside from state legislative influence and control. To persuade the state legislature, by influence or by any other means, to step in at this time and interfere is unfair (T. 442).

The Judge having failed, Cowperwood himself must go to the Governor. The scene which follows is interesting as a dramatic confrontation in which the weaknesses of both men are exposed. Cowperwood has decided on two lines of attack. The first is to offer the Governor a bribe, an offer which Swanson refuses. The second approach is more intellectual. Cowperwood argues that Swanson and he are really on the same side in a battle with the old established wealth of Chicago.

The men, as you must know, who are fighting you are fighting me. I am a scoundrel because I am selfish and ambitious--a materialist. You are not a scoundrel, but a dangerous person because you are an idealist. Whether you veto this bill or not, you will never again be elected Governor of Illinois if the people who are fighting me succeed, as they will succeed, in fighting you (T. 443-444).

The point is important and summarizes one of the major conflicts in the novel. Cowperwood's enemies in The Titan are the established wealthy men who hold power in Chicago. Cowperwood is outside that group, partly because of his prison record and partly because his wife is not successful in society. But the conflict runs deeper than that. Schryhart, Merrill, Hand and the other representatives of the old wealth share a hypocritical but nonetheless important adherence to the old rural morality of America. This is not to say that Schryhart and Cowperwood would make different

business decisions; both are equally ruthless and amoral in practice. The difference is in a sense rhetorical. Schryhart and his kind talk in terms of the old morality and seek to justify their actions in moral terms as if moral judgments were meaningful. Cowperwood, on the other hand, is a product of the bustling amoral cities of the mid-nineteenth century. He is just as tough but more honest because he tends to do as he pleases without hypocrisy and without a pretence at moral justification except as it is necessary to mollify the public.

The difference between the two groups shows as well in their cultural and social beliefs and practices. The very names of Schryhart, Merrill and Hand are reminiscent of the early nineteenth century, and their cultural and social ties are with the America of the genteel tradition.¹¹ Cowperwood, on the other hand, is more cosmopolitan. His interests are not so much in traditional American culture as in the older and yet more vital and honest culture of Europe. Thus the dispute between Schryhart and his friends and Cowperwood is much more than a fight for control of the traction industry. The bankers speak truer than they know when they call Cowperwood a "wrecker" (T. 387, 395). He symbolizes the collapse of a way of life and its replacement by another.

Swanson can agree with Cowperwood that they share the same enemies. But it does not follow that they are on the same side; thus Swanson vetoes the bills. Cowperwood must return to the Chicago municipal council to seek his franchise.

Towards the end of their discussion, Cowperwood makes one

observation which tells the reader something of Dreiser's view of Cowperwood and Swanson. "Governor, I have come here this morning to bribe you, if I can. I do not agree with your ideals; in the last analysis I do not believe that they will work. I am sure I do not believe in most of the things that you believe in. Life is different at bottom, perhaps, from what either you or I may think (T. 444)." Here Cowperwood speaks the truth. His view of life is inadequate because of his failure to see the operation of the great equation in the universe and its relevance to himself. But Swanson's vision of life is equally inadequate because it is befogged by the illusion that democracy is workable and that the people should decide because they are capable of intelligent decision-making. When we look at the events in the book, we see that all the evidence points to the conclusion that Swanson is wrong. The people have elected the Legislature and the Chicago municipal council, but they have no control over their elected representatives who can be bribed as a matter of course. The people can be swayed by emotional argument and by newspaper campaigns to do what the political bosses and the newspaper owners want. Indeed, it is the people who vote Swanson out of power in the next election. The irony of Swanson's faith in the people is that, in order to protect their interests, he must veto the bill, thus overriding the elected Legislature.

Cowperwood believes in himself but he does not perceive the great equation. He therefore underestimates the power of the masses. Swanson believes in the masses and in the ideal of democracy but he grasps neither the amorality of the world nor the mixture of

good and evil in men. Both Cowperwood and Swanson have incomplete views of the universe.

The Chicago municipal council, under great pressure by the people of Chicago whose emotions have been whipped up by Cowperwood's enemies, eventually defeats his fifty-year franchise. Cowperwood has been pictured throughout The Titan as a prince, a superior and powerful man, almost a god. But he is brought down by the great equation working through the people of Chicago. "Rushing like a great comet to the zenith, his path a blazing trail, Cowperwood did for the hour illuminate the terrors and wonders of individuality. But for him also the eternal equation--the pathos of the discovery that even giants are but pygmies, and that an ultimate balance must be struck (T. 500)."

At the end of the two novels, the reader is left with a picture of Cowperwood as a superior person, rather admirable and even likeable in a limited way. Certainly as between him and his enemies one wants Cowperwood to win, even though one is certain that he cannot. As to the masses who are exploited by Cowperwood and his enemies alike, the reader is curiously indifferent. The people of Philadelphia and Chicago do not, with rare exceptions, come to life in these novels as a collection of distinct and individual human beings. They are instead an inert mass to be manipulated by Cowperwood and his adversaries, and ultimately by the forces which control the universe.

Cowperwood fails to get what he wants, but the reader is not deeply moved because he is not personally engaged in his rise and

fall. One is interested in Cowperwood, and may feel a bit sorry when he loses the franchise. But the struggles of the great financiers are remote from everyday life, and Dreiser does not strive to close the gap between Cowperwood and the reader. These novels are in a sense intellectual exercises. They demonstrate the operation of certain forces and laws in the universe, but without directly engaging the emotions of the reader. This is why one does not feel that Cowperwood has been dealt with unjustly. He has had a fair run at his goal and, although he has failed, his life has been pretty much what he wanted it to be. This kind of intellectual assessment of a brutal and amoral universe may be a somewhat superficial, even sterile, exercise. In An American Tragedy Dreiser deepens his analysis. If the Financial Trilogy is about the laws of the universe, An American Tragedy is an inquiry into the fundamental question of justice.

CHAPTER V

AN AMERICAN TRAGEDY: ILLUSION AND INJUSTICE

In A Hoosier Holiday, Dreiser tells a story about an Indiana family named Brogan. One of the Brogan sons, mistreated and neglected at home, became a bank robber and was eventually electrocuted by the State of New York for murder. Dreiser comments on the incident:

If you want to know of a fairly good boy who died a criminal in the chair owing to conditions over which he had no least control or certainly very little, this was one. If I were Red Brogan and were summoned before the eternal throne--would that there were one--I would show Him the stripes on my back and my neglected brain and ask Him why, if He were God, He had forsaken me.

An American Tragedy can be seen as an extended examination of the kind of injustice, human and cosmic, meted out to the Brogan boy.

Dreiser's determinism led him to the conclusion that people had little or no choice in their actions, because their temperaments together with their histories from birth dictated their responses to life. If a person was placed in a situation in which he was driven to commit a crime, no law could stop him. But the State seemed to ignore the obvious fact of determinism when it caught and punished criminals. The American criminal law assumed that a person who committed murder did so of his free will and, on the basis of this assumption, the State executed the murderer. This injustice at the human level echoed an injustice at the universal level. If people murdered because of a combination of temperament and circumstances,

then the Maker of such a world was to blame for creating a world in which the helpless individual must pay with his life for the sins of his Maker.

In The Hand of the Potter, Dreiser creates a dramatic version of the Brogan incident. The protagonist, Isadore Berschantsky, is compelled by his temperament and by the provocations of the women around him to commit sexual assaults on young girls. The play is unsuccessful. Dreiser's ideas are not assimilated into the plot but are put into the mouths of some newspaper reporters who have no other role to play in Isadore's story. Bernard Shaw might have written such a scene effectively; Dreiser does not. Isadore's crime, as Mencken pointed out,² is so repellent that even if the reader is in agreement with Dreiser intellectually, he does not feel any personal involvement in the disaster. Like the Financial Trilogy, The Hand of the Potter is a concrete example advanced in support of an abstract argument; it may convince the reader but it does not move him.

Even before Dreiser wrote The Hand of the Potter, he was collecting newspaper accounts of another kind of crime which would raise more effectively the issues he wished to examine. Elias describes the typical situation which interested Dreiser:

Since the beginning of his days as a newspaperman, he had been aware of a certain type of crime seemingly produced by financial and social aspiration, the murder of some poorly placed girl by a young, ambitious lover who was attempting to gain freedom to affiliate himself with another girl more sophisticated and wealthy. The young man was usually one who had first fallen in love with someone of his own station, then had risen in the world and met a second girl surpassing his original sweetheart in glamour and attraction, and finally, trying to

break old ties and encountering the complications of the first girl's pregnancy, affection, and determination to retain him, had in bewildered desperation committed murder.³

Dreiser had covered such a case for the St. Louis Globe-Democrat in 1892 when a young man murdered his girl friend with poisoned candy.⁴ He had subsequently studied a series of cases which followed the pattern outlined by Elias.

After a couple of false starts, Dreiser finally settled on the Grace Brown-Chester Gillette case as a basis for An American Tragedy. The novel is closely patterned on the Brown murder but Dreiser made some changes in facts which serve as a guide to his intentions. Sheldon Grebstein points out that Dreiser changed the facts of the Brown case in two significant areas.⁵ The crime in An American Tragedy was given a stronger element of the accidental. The wounds on the body of Grace Brown, together with the discovery of Gillette's tennis racket with all its strings broken, created a stronger case against the accused than the almost-accidental drowning of Roberta Alden. Secondly, Clyde Griffiths is not an exact portrait of Chester Gillette. He is made less athletic, less self-contained, less intelligent, and he is moved downward in the social scale.

The result of these changes is that Dreiser can create a history for Clyde which explains and makes inevitable his attempt at murder, while leaving Clyde's moral and legal guilt doubtful. Clyde's story is a good vehicle for a consideration of earthly and cosmic justice because his case is ambiguous and because there are extenuating circumstances. The reader can sympathize with Clyde and can

feel a kinship with him which he could never feel for the husky brutal Gillette.

In the ten years between the writing of The Hand of the Potter and An American Tragedy, Dreiser had read and thought deeply about the problem of the man who commits a crime in a deterministic world.⁶ He read Freud and had long talks with A. A. Brill, a psychiatrist who had translated books by Freud and Jung. He delved into the writing of the physiologist Jacques Loeb whose mechanistic biology further confirmed the novelist's determinism. Dreiser was much influenced by the writings and activities of the great criminal lawyer Clarence Darrow. While he was writing An American Tragedy, Dreiser followed with fascination the Leopold-Loeb case in Chicago, writing, "Just a desire to kill doesn't seem to explain it. There must be something more it seems to me, a great novel there somewhere."⁷

By the time that Dreiser started to write An American Tragedy, all of these ideas and theories had been so thoroughly absorbed that he could tell the story clearly and without the authorial comment which mars so many of the other novels. The result is that Clyde's story involves the reader to a degree that Dreiser did not achieve in any other novel.

Robert Penn Warren has written an illuminating explanation of the reader's "peculiar involvement in the story of Clyde."⁸ He says that the reader is not merely involved; he is "entrapped" by Clyde's story.

We are living out a destiny, painfully waiting for a doom. We live into Clyde's doom, and in the process live our own secret sense of doom which is the backdrop

of our favorite dramas of the will.

How deep is our involvement--or entrapment--is indicated by the sudden sense of lassitude, even relief once the murder is committed; all is now fulfilled, and in that fact the drawstring is cut. So we may even detach ourselves, at least for the moment, from the youth now "making his way through a dark, uninhabited wood, a dry straw hat upon his head, a bag in his hand"9

The reader is entrapped by Clyde's story because he discovers that, given the same situation, he would have done exactly what Clyde did. A parallel can be drawn between this quality of entrapment which Warren finds in An American Tragedy and a similar quality which has been discovered in what would seem a very different work, Milton's Paradise Lost. In his book, Surprised by Sin: The Reader in Paradise Lost, Stanley Fish advances three propositions:

(1) the poem's centre of reference is its reader who is also its subject; (2) Milton's purpose is to educate the reader to an awareness of his position and responsibilities as a fallen man, and to a sense of the distance which separates him from the innocence once his; (3) Milton's method is to re-create in the mind of the reader (which is, finally, the poem's scene) the drama of the Fall, to make him fall again exactly as Adam did and with Adam's troubled clarity, that is to say, 'not deceived.'¹⁰

If one accepts Fish's analysis as accurate, to what extent are Paradise Lost and An American Tragedy comparable? Dreiser is not teaching theology or ethics, nor is he writing a political pamphlet. He is concerned to describe Clyde's tragedy carefully and clearly so that he may understand it. The novel is a meditation on Clyde, not a critique of him or of the society which taught him. If this analysis is correct, and it will be supported later in the chapter, then it would seem that the novel's "centre of reference" would tend to be Clyde (or maybe Dreiser) but not the reader, and Dreiser's

purpose would be one of discovery, not of education. But still one feels that Warren is right too; the reader is entrapped in Clyde's tragedy by a method very like the method which Fish attributes to Milton. Dreiser is not teaching that murder is bad or that America is bad because it produces murderers. But he may be educating the reader to an awareness of his position as a man in a deterministic world, without free will and at the mercy of his temperament and his society. Dreiser's method is very like Milton's, as will be shown later. Dreiser immerses the reader completely in Clyde's background and his temperament so that when Clyde is tempted, he falls and the reader falls with him but "not deceived." The lesson is that if the reader were in Clyde's position, he would do exactly what Clyde did. In this way, the reader finds himself forced to think about human and cosmic injustice as an immediate and personal dilemma, an effect not achieved by Dreiser in his philosophical essays or in The Hand of the Potter.

The reader is also educated to his responsibilities to other human beings in a deterministic world. Clyde's crime may be horrifying when read in the evening newspaper, but the reaction of horror is wrong; we are all like Clyde, says Dreiser, and in the same circumstances and given the same temperament, we would murder Roberta (or try to do so) in the same stupid and ineffectual manner. It may be that man is impotent to change his society to prevent murder, but one should at the very least avoid a sense of moral superiority to Clyde.

When one turns to an analysis of An American Tragedy, the

first impression is that Dreiser takes a long time to describe Clyde's early life before he meets the ill-fated Roberta. Mencken commented on this lengthy preamble when he reviewed the first edition which appeared in two volumes: "Hire your pastor to read the first volume for you. But don't miss the second!"¹¹ Dreiser rejected this criticism and defended the first part of the novel as necessary to explain how Clyde could have committed murder. Dreiser later explained his "ideographic plan" for the novel in a long but interesting passage from a letter criticizing a film script for a proposed moving picture version:

It was to be a novel which was to set forth in three distinct social, as well as economic phases, the career of a very sensitive yet not too highly mentally equipped boy, who finds his life in its opening phase painfully hampered by poverty and a low social state and from which, because of his various inherent and motivating desires, he seeks to extricate himself. In his case, love and material comfort, as well as a foolish dream of social superiority are his motivating forces.

Part One of my book was purposely and particularly devoted to setting forth such social miseries as might naturally depress, inhibit and frustrate, and therefore exaggerate, the emotions and desires of a very sensitive and almost sensually exotic boy most poorly equipped for the great life struggle which confronts all youth.

Part Two particularly was planned to show how such a temperament might fortuitously be brought face to face with a much more fortunate world which would intensify all his deepest desires for luxury and love, and to show how, in the usual unequal contest between poverty and ignorance and desire and the world's great toys, he might readily and really through no real willing of his own, find himself defeated and even charged with murder, as was the case of Griffiths in this book.

Part Three of the book was definitely and carefully planned to show how such an inhibited, weak temperament, once in the hands of his dreams and later the law, might be readily forced by an ignorant, conventional and revengeful background of rural souls who would, in their turn, by reason of their lacks and social and religious inhibitions and beliefs, be the last to understand and

comprehend the palliatives that might have, but did not, attend the life of such a boy, and therefore judge him far more harshly than would individuals of deeper insight and better mental fortune.¹²

Dreiser clearly thought of An American Tragedy as an integrated and balanced work in which all parts of the novel were necessary. The critic must start from the same assumption. The quoted passage may prove to be a useful guide to this long and complex novel.

The opening image is of a small religious family who are adrift in an amoral and irreligious American city. Clyde's father and mother are itinerant preachers who are unsuccessful in converting the skeptical city-dwellers or in providing materially for themselves. Dreiser's first title for the novel was Mirage¹³ and it is apparent that one of the mirages he intended to describe is the "remote and cloudy romance" which Clyde's parents accept as their religion.¹⁴ The Griffiths have not thought out their religious beliefs, as their sermons amply indicate. They have instead gathered together a ragbag of clichés and phrases from the Bible and from inspirational writers and accepted them without analysis. Their religion is "cloudy" intellectually and it is "romantic" because it ignores the realities of urban America.

There is a tawdry and disorganized quality about their mission which mirrors the banal character of the religion they accept. The parents' response to their recurring financial problems is typical: "And here at times, when his mother's and father's financial difficulties were greatest, they were to be found thinking, or as Asa Griffiths was wont helplessly to say at times, 'praying their way out,' a rather ineffectual way, as Clyde began to think later

(A.T. 25)." What the Griffiths have to offer is not true solace but "the virus of Evangelism and proselytizing (A.T. 25)" which can appeal only to the "odd and mentally disturbed or distraught souls who are to be found in every place (A.T. 25)." The distinguishing characteristic of these people is that they are drifters who are unable to help themselves and must rely on the empty promises of the Griffiths' religion.

Clyde Griffiths has a different, more "pagan" temperament than his parents, and he early finds himself unhappy at the life he is forced to lead (A.T. 17). He feels that his parents' proselytizing is degrading and cheap, and he resents having to participate in public preaching when other boys seem to lead happier and more respectable lives. Clyde finds it paradoxical that God does not reward the Griffiths materially, although they are His faithful servants and although they pray often for God's help.

Given this situation, a stronger, more self-reliant boy (like Frank Cowperwood) might decide to reject his parents' religion and think out for himself an acceptable philosophy. But Clyde is incapable of independent creative thought or action both because of his temperament and because he has seen no examples of free thinking in his family. Clyde is therefore forced to search for another set of beliefs to sustain him. He finds an alternative religion in his dream of material success, but throughout his life he vacillates between that goal and the religious illusions of his parents.

Clyde gets a job as a soda clerk and is fascinated by the world of handsome, well-dressed men and beautiful women in which he

finds himself. These external signs of happiness and comfort attract Clyde as the mirage attracts "the lost and thirsting and seeking victim of the desert (A.T. 38)." He wants to be wealthy and comfortable but his ideal is as false and empty as his parents' religion because he has no sense of the real nature of wealth and poverty or what people must do to acquire money. Clyde has learned nothing as a child about the real world, but his life as a preacher's son has given him a passionate desire for respectability, comfort and wealth which will carry him inexorably to his execution in Auburn Prison.

Clyde's next job as a bellboy in the Green-Davidson Hotel underlines the illusory nature of the world as Clyde sees it. The hotel is all show and no substance, a place where people go to have a good time. In Clyde's eyes, it assumes a fairyland quality which covers up and makes acceptable the cheating and dishonesty which goes on.

Clyde is concerned by the conflict between his parents' religion and the amorality of the hotel. One evening he delivers some drinks to a room occupied by a group of "smartly-dressed" young people.

Because of a mirror over the mantel, he could see the party and one pretty girl in a white suit and cap, sitting on the edge of a chair in which reclined a young man who had his arm about her.

Clyde stared, even while pretending not to. And in his state of mind, this sight was like looking through the gates of Paradise. Here were young fellows and girls in this room, not so much older than himself, laughing and talking and drinking even--not ice-cream sodas and the like, but such drinks no doubt as his mother and father were always speaking against as leading to destruction, and apparently nothing was thought of it (A.T. 57).

Clyde continues to be bothered by his parents' strict code of behavior. His fellow bellboys invite him to come with them to an evening's entertainment, climaxed by a visit to a brothel. Clyde is surprised by the youth and beauty of the prostitutes and the sense of "vivid, radiant life" in the brothel (A.T. 76). He convinces himself that the girl who approaches him is "more refined" than the others (A.T. 81). "Clyde's brows knit and smoothed again. Perhaps she was not as bad as he thought. She was a low woman, no doubt--evil but pretty (A.T. 81)." The thought that the girl might be evil and pretty has apparently never occurred to Clyde. His morality, acquired by rote from his parents, is inadequate to enable him to resist his desire for the prostitute. Clyde makes no conscious decision; he simply responds to the stronger force. Afterwards, he is still bothered by his yielding:

His parents were probably right when they preached that this was all low and shameful. And yet this whole adventure and the world in which it was laid, once it was all over, was lit with a kind of gross, pagan beauty or vulgar charm for him. And until other and more interesting things had partially effaced it, he could not help thinking back upon it with considerable interest and pleasure, even.

In addition he kept telling himself that now, having as much money as he was making, he could go and do about as he pleased. He need not go there any more if he did not want to, but he could go to other places that might not be as low, maybe--more refined (A.T. 82)."

So he drifts away from his parents' church and toward a thoughtless immorality. Unlike Cowperwood, Clyde does not choose to break moral rules; he does so because he must.

Clyde and his fellow bellhops sometimes reflect on the extremes of wealth and poverty which they can see at the hotel. Their

thought is superficial, however; their real desire is to get more money for themselves, whether the means be honest and moral or otherwise. Clyde is incapable of thinking clearly about the reasons why good and evil exist in the world and are distributed regardless of moral merit, although he tries sometimes:

Life was so strange, so hard at times. See how it had treated him all these years. He had had nothing until recently and always wanted to run away. But Esta had done so, and see what had befallen her . . . Gee, life was tough. What a rough world it was anyhow. How queer things went! . . .

But to think of his being part of a family that was always so poor and so little thought of that things like this could happen to it--one thing and another--like street preaching, not being able to pay the rent at times, his father selling rugs and clocks for a living on the streets--Esta running away and coming to an end like this. Gee! (A.T. 112-113)

Cowperwood was capable of thinking about philosophical questions although his vision of the universe was inadequate. Clyde cannot begin to think, even on a superficial level.

Dreiser ends Part One of the novel by recounting Clyde's love affair with Hortense and its disastrous outcome. Clyde's relationship with her is important as another element shaping his temperament. Hortense is evasive and dishonest and she plays cruelly on her admirer's affection for her. What Clyde learns from the affair is that girls are selfish and cruel. This colours his later relationship with Roberta Alden and enables him to be crueller to her than he is to Hortense.

Clyde's friends strengthen a tendency already present in him to make ethical judgments on the basis of the consequences rather than on some sort of moral code. When Clyde considers having an affair,

the difficulty lies, not in the rightness or wrongness of the deed itself, but in the results.

Certainly such girls as Hortense Briggs, Greta and Louise, would never have allowed themselves to be put in any such position as Esta. Or would they? They were too shrewd. And by contrast with them in his mind, at least at this time, she suffered. She ought, as he saw it, to have been able to manage better. And so, by degrees, his attitude toward her hardened in some measure, though his feeling was not one of indifference either (A.T. 114).

Hortense and her friends take the same attitude when one of them offers to "borrow" a car belonging to his father's employer and take the group for an outing. Clyde is bothered by the fact that the car is to be stolen. "The fact that the car to be used did not belong to Sparger, but to his employer, was disturbing, almost irritatingly so. He did not like the idea of taking anything that belonged to any one else, even for temporary use. Something might happen. They might be found out (A.T. 137-138)." Again the consequences of the action determine whether it is right or wrong.

This kind of morality governs the way in which the group reacts when their car knocks down and kills a young child and then is demolished in a collision. The young people are terrified, not because they have stolen the car and have killed the girl, but because they may be exposed and punished. Clyde is as frightened as the rest.

He must get out of this. He must not be caught here. Think of what would happen to him if he were caught--how he would be disgraced and punished probably--all his fine world stripped from him before he could say a word really. His mother would hear--Mr. Squires--everybody. Most certainly he would go to jail. Oh, how terrible that thought was--grinding really like a macerating wheel to his flesh (A.T. 160).

Clyde's natural reaction is to run away and save himself. Later, when Clyde finds that he cannot run away from Roberta, his fear of losing his hope for a fine world will lead him to murder her.

In Book One, Dreiser concentrates on describing the temperament and early life of Clyde. In Book Two, the focus is widened to include a much broader range of American society. After the accident in Kansas City, Clyde accidentally meets his uncle, Samuel Griffiths, who owns a factory in Lycurgus, New York. There is a conscious balancing of the pictures of Samuel and Asa, Clyde's father, which serves to underline the unjust distribution of temperaments and characteristics in this world. Unlike Asa, Samuel is confident, incisive, shrewd and calm. He is part of the established wealthy class of Lycurgus, and has a respect for the old morality which causes him to want to help Clyde. Dreiser creates another pair of balancing portraits, those of Clyde and his Lycurgus cousin Gilbert. Both have the qualities of their respective fathers, although Gilbert tends to be self-centred, vain and very conscious of his social position.

There would seem to be little similarity between Clyde's crowd of friends in Kansas City and the Griffiths of Lycurgus. But Dreiser is quick to point out that both groups are concerned with their outward reputations and appearances rather than with personal merit. Mrs. Griffiths is anxious to see that her daughters are properly chaperoned until their marriages, primarily because it is necessary for their reputations. Gilbert is continually fussing about the reputation of the family; as a result, he objects to his father

bringing Clyde to Lycurgus to work for them.

Samuel finds Clyde working as a bellhop in a businessman's club in Chicago. Clyde is very impressed by the reserved but powerful men who use the club, finding particularly admirable their apparent lack of the passions which have so disarranged his life. Clyde dreams that when he is in the club, he somehow takes on the characteristics of the men who use it. "He felt himself different from what he really was--more subdued, less romantic, more practical, certain that if he tried now, imitated the soberer people of the world, and those only, that some day he might succeed, if not greatly, at least much better than he had thus far (A.T. 189)." But Clyde is dreaming here and Dreiser, in an authorial aside, underlines Clyde's confusion. "For to say the truth, Clyde had a soul that was not destined to grow up. He lacked decidedly that mental clarity and inner directing application that in so many permits them to sort out from the facts and avenues of life the particular thing or things that make for their direct advancement (A.T. 189)." Clyde's temperament and his education have combined to leave him incapable of conscious self-direction. He will never be a success because he will always be controlled by people or institutions more powerful than himself.

Dreiser's view of maturity here is selfish and individualistic. The mature man directs and controls himself and does not relinquish control to another person or to a moral or legal code. The only powers which do control the mature man are the powers of the universe. Cowperwood directed himself as far as possible, but he was still subject to the great equation. Clyde's tragedy is that he is disabled by his temperament from anything except the most rudimentary

self-control.

When Clyde arrives in Lycurgus, he is set to work at a menial job in the "shrinking" department in the basement of the factory. His position is an awkward one. The Griffiths have decided that they will have no social contact with Clyde and that he is to work as a laborer, but because he is a relative, they insist that he act in a highly circumspect way. Clyde himself does not want to associate with the workers who are doing the same kind of job.

He is thus left in limbo, rejected by all the areas of society where he might find friends. When he walks out to the wealthy area of the city and sees the Griffiths' house, his mood is contradictory.

For, after all, was he not a Griffiths, a full cousin as well as a full nephew to the two very important men who lived here, and now working for them in some capacity at least? And must not that spell a future of some sort, better than any he had known as yet? For consider who the Griffiths were here, as opposed to "who" the Griffiths were in Kansas City, say--or Denver. The enormous difference! A thing to be as carefully concealed as possible. At the same time, he was immediately reduced again, for supposing the Griffiths here--his uncle or his cousin or some friend or agent of theirs--should now investigate his parents and his past? Heavens! The matter of that slain child in Kansas City! His parents' miserable makeshift life! Esta! At once his face fell, his dreams being so thickly clouded over. If they should guess! If they should sense!

Oh, the devil--who was he anyway? And what did he really amount to? What could he hope for from such a great world as this really, once they knew why he had troubled to come here?

A little disgusted and depressed he turned to retrace his steps, for all at once he felt himself very much of a nobody (A.T. 209-210).

Clyde's hopes are advanced when, after several months, the Griffiths invite him to dinner. He is "most romantically and hence

impractically heartened (A.T. 235)," as he is convinced that he is about to be accepted as one of the Griffiths. Clyde is treated with condescension as a poor relation, but he meets Sondra Finchley, a friend of the young Griffiths, and dreams of falling in love with her. "Indeed her effect on him was electric--thrilling--arousing in him a curiously stinging sense of what it was to want and not to have--to wish to win and yet to feel, almost agonizingly that he was destined not even to win a glance from her. It tortured and flustered him (A.T. 242-243)." Sondra in her turn quickly and accurately takes the measure of Clyde as a malleable young man who has been smitten with her beauty. She sums him up in a telling phrase: "He was too easy (A.T. 244)."

Clyde returns to the "shrinking" room, but is finally promoted to a small foreman's job, more for the sake of the Griffiths' reputation than as a result of his merit. When Clyde is being interviewed by Gilbert for the job, he senses that he has been lucky and that his luck will have to continue if he is to hold the job. Clyde is not the mature man who is capable of seizing and holding an opportunity; he must depend on forces outside himself or on chance. It is the force of his sexual desire together with the fact that Roberta is hired in his department which leads to disaster.

Like Clyde, Roberta has narrowly religious parents who have not thought out their morality. She has received from them a strict moral code, but it will be effective only until she encounters a tough or tempting situation. Then her morality will collapse because it is not founded on thought or conviction and is working against her

sensuous temperament and her tendency to take dreams for reality. Like Clyde, Roberta finds herself in an awkward situation in Lycurgus. She is living with a strict and Christian family, but her temperament forces her to be interested in young men like Clyde, and eventually to give herself to him.

Dreiser describes the love affair between Clyde and Roberta as a love of innocents, but there are overtones of Paradise Lost. Roberta thinks of an affair with Clyde "as though this would be paradise (A.T. 284)." Her attraction to him reminds us of Eve's attraction to the serpent. "And here at her very feet he sat now in this bright canoe on this clear July afternoon in this summery world--so new and pleasing to her. And now he was laughing up at her so directly and admiringly (A.T. 285)." Dreiser describes both people as having an irresistible desire for each other; he convinces us by his style and imagery which is itself seductive. As in Paradise Lost, the love affair is made to seem inevitable and natural. Clyde and Roberta are incapable of controlling the situation; they can only drift towards love like magnetized iron filings attracted to each other. They dream and rationalize, but are incapable of taking a hard look at their situation.

The reader is in a dilemma. He knows that Clyde has been forbidden from having any contacts with the girls in his department, as Adam was forbidden to eat the fruit of the tree of knowledge of good and evil. The reader wants Clyde to stop drifting and to make a choice between Roberta and the job. But he also knows that Clyde is too immature to choose because Dreiser has carefully explained

this. So the reader has to wait and suffer.

When Clyde finally seduces Roberta, there are again echoes of Paradise Lost. Their love now becomes "a wild, convulsive pleasure" and their room is "more of a Paradise than either might ever know again (A.T. 329)." After the seduction, Clyde becomes bolder and more callous than before, as does Adam after the Fall.

The comparisons between An American Tragedy and Paradise Lost seem unmistakable, at least on the basis of internal evidence,¹⁵ but there are differences. Paradise Lost is set in a world polarized between good and evil, God and Satan; in Dreiser's world, there is no good and no evil; there are simply amoral and inhuman forces. The second difference is that Paradise Lost is a divine comedy; Paradise will be regained through Christ. In An American Tragedy, there has never been a paradise, only an illusion of it. At the end of the novel comes, not Christ, but Reverend McMillan who is a false and empty Christ. The echoes of Paradise Lost are intended to underline bitterly the emptiness and hopelessness of a world of amoral forces, a world without God's grace.

The fragile paradise of love between Clyde and Roberta is undermined almost immediately when Sondra "picks him up" and begins to make advances to him (A.T. 334-337). Sondra is interested in Clyde partly because she can use him to embarrass Gilbert Griffiths but also because she is drawn to him. Sondra too is in the control of her temperament, although she has some capacity to check her interest in him by thinking of the social consequences. Clyde deceives himself that he is really to be accepted into Lycurgus society and to enter

the life of wealth and beauty which he has admired so from the outside; the result is that he drifts toward an attitude of hostility to Roberta. He wants to abandon her, and he rationalizes his hostility by blaming her for the present situation. "As contrasted with one of Sondra's position and beauty, what had Roberta really to offer him? And would it be fair in one of her station and considering the connections and the possibilities that Sondra offered, for her to demand or assume that he should continue a deep and undivided interest in her as opposed to this other? That would not really be fair, would it? (A.T. 367)."

Clyde's dilemma is sharpened when Roberta tells him that she is pregnant. He is now faced with a real and demanding problem but he is too ignorant and weak to think out a solution and to act on it. He thinks of escaping the situation, either by causing a miscarriage or by running away. But the medicines he buys fail to work and Clyde is unable to escape because he unrealistically sees Sondra as his one chance for success. Clyde is incapable of having any sympathy for Roberta or the child; instead he just drifts. He continues to play with Sondra and her friends; on one occasion he does magic tricks for them (A.T. 414-415). The magic typifies his false world of dreams and illusions. He can entertain but he cannot perform the great magic which is needed in his own situation. He plays when serious thought and action are required. Roberta deludes herself into believing that Clyde will do something for her. Even Sondra deceives herself into believing that Lycurgus society may accept a more permanent liaison between herself and Clyde. The reader watches horrified as

Dreiser's characters drift closer and closer to disaster.

An American Tragedy is about a murder and why it happened; Dreiser takes nearly five hundred pages to show us the murderer's personality. When Clyde reads the newspaper account of a double drowning and decides that it may serve him as the basis for a plot to kill Roberta, we have been told so much about him that it seems inevitable and natural that he should want to get rid of her. The first half of the novel is necessary because it forces the reader not only to understand Clyde but to accept murder as the only possible solution for his problem available to him.

The murder plot itself is foolish and inept, a boy's dream of crime rather than the real thing. Clyde has always lived in the city, yet he intends to murder Roberta in the country which he does not know. While Clyde is plotting, he imagines that he is in the grip of some supernatural demon who is prompting him to destroy himself. In a sense, he is right. The forces of his temperament, his desire for Sondra and his inability to see any other way out of the situation rob him of any power to prevent the crime; he has no free will.

It is ironic that this American tragedy should take place close to Independence Day. The tragedy flows from the American dream of human equality, juxtaposed against the reality of a strict class structure. Lycurgus, with its classes of workers, clerks, professional people, nouveaux riches, and old established families can be seen as a model of America.

Everything goes wrong with the murder plot, yet Clyde

carries on, as if driven to his own destruction. He becomes sharply aware of nature as a brooding, observant force watching and controlling the murder; for once in his life, Clyde is conscious, if only dimly, of the great inhuman forces in nature which control all human activity.

At the crucial moment, Clyde finds himself unable to murder Roberta but chance events bring about her death. Dreiser sought legal advice in writing An American Tragedy and, in the murder scene, he created a situation so ambiguous that it is almost impossible to decide whether, legally or morally, Clyde is guilty of Roberta's murder. In a sense, this ambiguity is irrelevant to the subsequent trial. Clyde's defence lawyers assume that on the true facts Clyde is guilty, even though lawyers who read the book expressed much doubt on the question.¹⁶ Moreover the true facts do not emerge at the trial; Clyde is found guilty on distorted and perjured evidence. But the ambiguity of his guilt is significant because it underlines the involuntary character of the crime. If Clyde killed Roberta, it was as a result of forces which he was powerless to resist. The ambiguity of the incident at Big Bittern Lake serves to strengthen the impression that guilt or innocence is a pointless question. The reader continues to be sympathetic to Clyde, even after the murder, because guilt is not clear and because the crime is not as savage and brutal as, for example, the murder of Grace Brown. Most people who commit crimes rationalize their innocence by finding the facts to be ambiguous. Clyde sees himself as innocent, and the reader is drawn into agreeing with him. Again Dreiser is making the reader live out Clyde's tragedy and "fall as he falls."

What is clear is that Clyde's actions on the lake are true to his nature. He could not kill because of his fear and weakness but he pushes Roberta away and refuses to save her when she falls into the water. It is wrong to talk of his guilt or innocence because the crime is a necessary expression of his temperament. Yet the legal system will apply standards and rules to Clyde and will find him guilty because his actions (or the actions proven in court) fall into a pattern which has been arbitrarily decided to constitute criminal conduct. The rest of the book is an examination of the way in which the human legal system attempts to visit justice on Clyde.

As in the Financial Trilogy, the legal system is shown in An American Tragedy as being corrupt and hypocritical. The county coroner and the district attorney quickly realize that a successful prosecution of the murderer of Roberta Alden will greatly improve their chances of re-election (A.T. 538-543). The officials gather evidence and become convinced that Roberta has been murdered. This view will not change despite the discovery of further and more ambiguous evidence (A.T. 619-620). Mason, the district attorney, is part of the political machine and is aware that Clyde's conviction will aid his political future (A.T. 543-544). Mason's personal history and his resentment against the rich idler that Clyde appears to be develop in him a hatred which will fuel the prosecution of the case (A.T. 559-568). In theory, the prosecutor of a case should be as impartial and as objective as the judge himself. Dreiser is at pains to show that Mason is incapable of impartiality.

Clyde is easily captured; it is interesting that the actual

arrest is made by one of Mason's deputies who is described as a woodsman (A.T. 597). Clyde commits his crime in the country and the victim is a country girl. The result is that the trial will be colored by the conflict between rural moralistic America and the amoral city. Mason tries to trick Clyde into a confession, which would make the prosecution much easier (A.T. 604-612). Jail is almost a relief to Clyde because he can now give up the attempt to think and to plan; in other words, to take responsibility for himself. He is now completely in the grip of external forces, represented by the lawyers and later by Reverend McMillan, who will struggle for control of him. Clyde has always been governed by forces stronger than he; now his situation has been made concrete. In the same sense, he has been a prisoner all his life, trapped by his poverty, his temperament, his ignorance and uncertainty. On the evening of his capture, Clyde decides that he must be civil to his captors "since he was now in their hands and they could do with him as they would (A.T. 618)." Nothing fundamental has changed.

The preparation for the trial carries on the impression of dishonesty. The prosecution suppresses and concocts evidence in their attempt to ensure Clyde's conviction. They have made an instinctive decision that he is guilty and, from that point on, any sense of due process or a presumption of innocence vanishes from their minds; they will not let him escape through some legal technicality. In order to increase the political impact of the trial and to ensure Clyde being found guilty, Mason seeks and obtains a special term of the Supreme Court so that the trial will be heard before Mason's

election when the anti-Clyde sentiment is at its peak. The hearing is to be in Bridgeburg, close to the scene of the murder, prejudicing still further any chance of a fair trial.

The trial process is also distorted by the Griffiths and the Finchleys who have enough economic and political power to enforce their wishes. The Finchleys want Sondra's name kept out of the trial (A.T. 626-628). The Griffiths' demands are more complex. Samuel Griffiths wants to see Clyde defended properly and he will pay counsel to do it. But there are strings to the gift. Griffiths will not permit Clyde's lawyers to plead insanity, his best defence, because it will reflect unfavorably on the family (A.T. 655). Nor will he permit the defence lawyers to bring Clyde's parents to the trial for their emotional impact on the jury, again in order to safeguard the reputation of the Lycurgus Griffiths (A.T. 667-668). What Samuel Griffiths wants is not a "very distinguished criminal lawyer" but a capable lawyer from Bridgeburg who will defend Clyde ably but will not resort to "the abstrusities and tricks of the criminal law (A.T. 635-636)." Griffiths' intention is to safeguard his reputation for generosity rather than to save Clyde's life.

The lawyers finally chosen to defend Clyde are Alvin Belknap and Reuben Jephson. Belknap is motivated to take the defence because he is politically opposed to Mason and also because he has had more experience in the world than Mason and is therefore more sympathetic to Clyde (A.T. 638-641). Both lawyers decide, after hearing Clyde's story, that it will convict him (A.T. 646), and they set about fabricating a completely false story which Clyde learns by heart

(A.T. 655-662). They also try to find and destroy any compromising physical evidence only to be thwarted by Mason who has found the evidence first (A.T. 653-654).

The trial itself is a great show, an "excellent stage play (A.T. 733)." Spectators can buy peanuts or popcorn as if it were a baseball game (A.T. 679). The chief actors are the lawyers who play ostensibly to the judge and jury but also to the crowd of onlookers because the jury is still psychologically very much a part of their community. Dreiser's description of the trial is more detailed and more complex than in any other novel, reflecting Dreiser's careful study of the newspaper accounts of the Gillette trial.

The prosecution presents its case in a dramatic and emotional way. The aim is to sway the jurors (who are already predisposed against Clyde) rather than to appeal to their minds. Mason deliberately colors and loads his presentation in a way unsupported by even the concocted evidence and inconsistent with the duty of a district attorney. Mason ends his case late one afternoon by reading a group of Roberta's letters to Clyde; the letters are of doubtful relevance but of considerable emotional impact:

And at points in the reading, Mason himself crying, and at their conclusion turning, weary and yet triumphant, a most complete and indestructible case, as he saw it, having been presented, and exclaiming: "The People rest." And at that moment, Mrs. Alden, in court with her husband and Emily, and overwrought, not only by the long strain of the trial but this particular evidence, uttering a whimpering yet clear cry and then falling forward in a faint. And Clyde, in his own overwrought condition, hearing her cry and seeing her fall, jumping up--the restraining hand of Jephson instantly upon him, while bailiffs and others assisted her and Titus who was beside her from the court room. And the audience almost, if not

quite, as moved and insensed against Clyde by that development as though, then and there, he had committed some additional crime (A.T. 714).

The defence lawyers try to erase the impression created by Mason by substituting their calm and businesslike rhetoric for the emotionalism of the prosecution. They also attempt (almost foolishly in the light of the moral conservatism of Bridgeburg) to convince the jurors to apply a more liberal moral standard to Clyde. At points the defence advanced by Belknap and Jephson comes close to an argument that Clyde should be found innocent because he could not help but kill Roberta (A.T. 718-721-722, 729, 735). Such a defence must be rejected by any legal system because it would make it impossible for anyone to be convicted. The criminal law lays down objective standards determining what conduct is permissible and what is not. If one's conduct falls outside the permissible standard, then he has committed a crime regardless of his subjective state of mind and regardless of the extent to which his actions were predetermined. When Belknap and Jephson advance a defence based on determinism, they are putting in question the whole of the criminal law.¹⁷

Whether Dreiser agrees with Belknap and Jephson's argument is another matter. In other places, Dreiser talks about the necessity for a legal system in a deterministic world.¹⁸ Perhaps it is best to say that, in An American Tragedy, Dreiser raises without deciding the question whether any legal system can pretend to be just which convicts on a false assumption of free will and refuses to hear evidence of the forces that drive men to unlawful actions. An American Tragedy is not a pamphlet advocating political or legal reforms; it is a plea for

compassion to those who commit crimes because they are driven to do so.

The other line of defence is the false story which Clyde has been coached to repeat. Mason's cross-examination is very successful because he manages to separate Clyde from his story and also to prevent the accused from drawing support and strength from Reuben Jephson. Clyde is trapped into mistakes which he cannot explain and he is discredited. The jury finds Clyde guilty although to do so they have to convince one jurymen by threats of economic reprisals (A.T. 792). Clyde is sentenced to die by electrocution.

If the description of the trial can be seen as a critique of human justice, then the end of the book raises the question of justice at the cosmic level. We are reminded again of Paradise Lost. After the Fall, Adam and Eve are judged, appeal for mercy and receive it. Clyde is judged and appeals but receives no mercy and no promise of a better life. Instead his mother comes and sets about raising the money for his appeal, the Lycurgus Griffiths having exhausted their generosity at the trial level. Like Mason, Clyde's mother has the power to move other people, a power which ironically might have saved Clyde if the mother could have attended the trial. But the mother gets no help from the established churches which tend to look down on her religious fundamentalism as well as her son's crime.

And not only that--but according to Clyde's own testimony in this trial, had he not been guilty of adultery with this girl--whether he had slain her or not? A sin almost equal to murder in many minds. Had he not confessed it? And was an appeal for a convicted adulterer--if not murderer (who could tell as to that?) to be made in a church? No,--no Christian church was the place to debate, and for a charge, the merits of this case . . . (A.T. 822).

Eventually she is reduced to staging her fund-raising speech in a "sinful theatre" in Utica owned by a Jew (A.T. 823).

Clyde is now moved to Death Row in New York's Auburn Prison. He finds it sombre, deeply depressing, "as gloomy and torturesome an inferno as one could imagine any human compelled to endure (A.T. 811)." The convicted murderers with whom Clyde finds himself are not so much frightening as pathetic, all failures in life. At last, Clyde is in a place where everyone is afraid.

One of the prisoners awaiting execution is exceptional. He is Miller Nicholson, a refined, intellectual lawyer who has been convicted of poisoning an old man in order to get his money (A.T. 826-827, 832-833). The lawyer encourages Clyde to endure his ordeal bravely, and advises him on his appeal from the conviction. But Nicholson, like Clyde, is trapped by the legal system and is powerless to do anything for himself, despite his knowledge.

On the day before Nicholson's execution, he sends to Clyde two books which sum up his shrewd assessment of Clyde's character. Robinson Crusoe is a story of a man who survives because of his individualistic self-reliance, a model which Griffiths should strive to follow. The other book is the Arabian Nights, a fairy tale which is much closer to Clyde's world of fantasy and illusion.¹⁹ As Nicholson is going to his death, he calls out to the inmates: "God bless you all. I hope you have good luck and get out (A.T. 833)." His last words underline the theme of cosmic injustice. In an amoral and unfair universe, it is not enough to rely on God; one needs good luck too.

The last pages of the novel introduce a new character, the Reverend Duncan McMillan, an evangelical preacher who is a friend of Clyde's parents. Like Clyde, McMillan is a romantic, which should warn the reader that he is not to view him as some kind of hopeful or inspiring figure (A.T. 834-835).²⁰ McMillan is strong-willed and compelling, but pretentious and over-dramatic. He takes an interest in Clyde, not to comfort or help him so much as to save his soul. Clyde is attracted to the preacher by his vigor and confidence rather than by his message, and is induced to sign a declaration of repentance and faith which is so untypical of him that it is obviously a product of terror rather than a change of faith (A.T. 867-868).

Clyde needs to lean on someone, and McMillan is the only available source of strength. Because Clyde trusts the preacher, he tells him the true story of what happened on Big Bittern Lake. The result is that the romantic McMillan, stripped of his illusions, is thrown into doubt about Clyde's guilt. Moral rules, like legal rules, are so abstract that they are impossible to apply to specific cases. McMillan finds an answer consistent with the common view expressed in the newspapers; Clyde is guilty (A.T. 850-858). As a result, when McMillan appears before the Governor of New York in support of Clyde's application for clemency, he is unable to tell the sympathetic politician what Clyde has told him (A.T. 860-863). Clyde is executed and McMillan, who observes his death, finds himself unable to continue in his naive faith, shattered by the harsh facts of human existence (A.T. 870-871).

Shortly before the execution, Clyde reflects on his guilt:

Clyde was alone. He had no one who believed in him. No one. He had no one, whom, in any of his troubled and tortured actions before that crime saw anything but the darkest guilt apparently. And yet--and yet--(and this despite Sondra and the Reverend McMillan and all the world for that matter, Mason, the jury at Bridgeburg, the Court of Appeals at Albany, if it should decide to confirm the jury at Bridgeburg), he had a feeling in his heart that he was not as guilty as they all seemed to think. After all they had not been tortured as he had by Roberta with her determination that he marry her and thus ruin his whole life. They had not burned with that unquenchable passion for the Sondra of his beautiful dream as he had. They had not been harassed, tortured, mocked by the ill-fate of his early life and training, forced to sing and pray on the streets as he had in such a degrading way, when his whole heart and soul cried out for better things. How could they judge him, these people, all or any one of them, even his own mother, when they did not know what his own mental, physical and spiritual suffering had been? (A.T. 857).

No one can understand and judge Clyde because no one has lived Clyde's life with his temperament and in his situation. An American Tragedy is Dreiser's attempt to enable his readers to understand Clyde so well that they will acquire the wisdom to refuse to judge him.

The ending, named "Souvenir," is ambiguous. In words very similar to the beginning of the novel, Dreiser describes a scene in which Clyde's parents, with Esta's young boy Russell, go out in the streets of San Francisco to preach. The service over, the family returns to "The Star of Hope. Bethel Independent Mission (A.T. 873)." The boy asks Clyde's mother for a dime to go up the street and buy an ice cream cone. She reflects: "Her darling boy. The light and color of her declining years. She must be kind to him, more liberal with him, not restrain him too much, as maybe, maybe, she had--- She looked affectionately and yet a little vacantly after him as he ran. 'For his sake.' (A.T. 874)"

The ending is amenable to two interpretations. It may be that Clyde's mother, through her suffering, has learned to temper her religion with love and humanity. The letter of the divine law should be modified with love; human, not divine. She may have acquired some understanding. But the reader remains doubtful. She is still pursuing the "vacant" illusions of proselytizing religion. She seems to believe that giving Russell a dime will somehow make him different from Clyde. The pattern has changed, but so slightly that one fears that Russell will follow Clyde's path. It is true, as Irving Howe says, that Dreiser is always on the lookout for some glimmer of hope,²¹ but there is little evidence in An American Tragedy that man can alter the monstrous injustices, human and cosmic, which combine to destroy a Clyde Griffiths.

CHAPTER VI

CONCLUSION

In an interview which Dreiser gave to the New York Evening Post shortly after the publication of An American Tragedy, he "defended a law enabling courts to sentence to life imprisonment a man guilty of four minor felonies, because he felt that the world consisted of those who believed in organized life and those who did not, and that this law tended to keep some people on the organized-life side of the fence. He believed it was possible to find out why some opposed organized life and how the causes of their opposition might be altered."¹ Dreiser rejects anarchism and accepts some form of legal structure because of his pessimistic view of human nature and, in the 1930s, because he sees that social change is obtainable only through reorganization of the laws. Yet there runs through Dreiser's novels an inconsistent strain of anarchism which shows in his praise of lawbreakers like Cowperwood and Eugene Witla and his sorrow for Clyde Griffiths, executed by the State for a crime which he had no power to avoid.

If Dreiser cannot make up his mind about the necessity of law, it is because he has deep and unresolved doubts about the legal structures he sees in operation about him. He is uneasy about the law's assumption of free will which ignores the facts of science and psychology and is particularly inappropriate to the poor, beaten individuals who for the most part compose the class of people found guilty of crimes. Dreiser denies that general rules, whether moral or legal, can ever be applied to a real situation to produce a clear answer of guilt or innocence.

He is insensed by the humbug and hypocrisy of the legal and political systems of America which declare their ideals in the United States Constitution but which carry on their practices according to a very different code. Dreiser's novels are full of hypocritical lawyers, corrupt judges and legislators, and laws misused to accomplish some illegal or non-legal purpose.

Dreiser is afraid of the power of the legal system to impose outworn values or modes of conduct on an unwilling populace. Yet, inconsistently, he declares that law is incapable of preventing people from doing what they are driven to do. The law may catch a Cowperwood or a Clyde but it cannot prevent the development of American capitalism; neither can it stop the crimes of passion which are a product of an America haunted by the dreams of equality and success. If a society wishes to change its economic structure or prevent its people from destroying themselves because of illusions, that society must do more than simply pass laws; it must make radical alterations in its own fabric. Dreiser's critique of law in the novels is a prelude to his Marxism of the 1930s and 1940s.

At bottom, however, Dreiser's strictures on the law flow from his sense of the futility of man's attempts to attain justice on earth when the universal forces which control man and nature are neither just nor unjust, but amoral. Injustices on earth are echoes of the injustices imposed by an indifferent God on His helpless creatures. Dreiser spends a lifetime meditating on this dilemma, and in the end he can find no solution but a return to an attenuated form of the Roman Catholicism of his youth.

One regrets that Dreiser does not spur himself to consider other alternatives. It is possible to conceive of ethical and legal theories which do not base themselves on some God-given law. Still Dreiser gathers into his literature some of the most perplexing problems of his age and he refuses for the most part to accept easy solutions. Nor does he lose his sense of compassion for men trapped into a strange and alien world, and incapable for the most part of shaping that world or themselves. Donald Friede tells of taking Dreiser to see a stage adaptation of An American Tragedy. Friede writes that Dreiser was enthralled: "He would not get up in the intermission . . . He would not talk. He just sat there. And when the curtain went down on the death-cell scene he turned to me, and I could see that there were tears in his eyes. 'The poor boy!' he said. 'The poor bastard!' 'What a shame!'"²

Dreiser is bitterly critical of the laws of man and the cosmic laws, but his bitterness flows from a burning desire for justice on earth and for all men, including the "poor bastards" like Clyde. Dreiser may not have realized his desire for justice, his answers may seem superficial or wrong-headed, but at the very least he addressed himself to issues which are still of central importance.

FOOTNOTES

Chapter I

¹Dreiser, The Financier, 290-291.

²Dreiser, The Titan, 438-445.

³See "Free" and "The Second Choice," in Dreiser, Free and Other Stories; "Fulfillment," "The Shadow," "The Old Neighborhood" and "Marriage--For One," in Dreiser, Chains.

⁴Dreiser, "Equation Inevitable: A Variant in Philosophic Viewpoint," in Hey Rub-A-Dub-Dub, 162-163.

⁵Ibid., 163.

⁶Vivas, "Dreiser, An Inconsistent Mechanist," in Kazin and Shapiro, eds., The Stature of Theodore Dreiser, 238.

⁷Vivas, 237-245.

⁸Willen, "Dreiser's Moral Seriousness," 181-187.

⁹Sherman, "The Barbaric Naturalism of Mr. Dreiser," in Kazin and Shapiro, eds., The Stature of Theodore Dreiser, 71-80.

¹⁰Trilling, "Reality in America," in Kazin and Shapiro, eds., The Stature of Theodore Dreiser, 132-145.

Chapter II

¹Mencken, "The Dreiser Bugaboo," in Kazin and Shapiro, eds., The Stature of Theodore Dreiser, 90.

²Howe, "The Stature of Theodore Dreiser," 19.

³Dreiser, Dawn, 11-12, 50, 62.

⁴Dreiser, A Book About Myself, 380.

⁵Ibid., 380.

⁶Ibid., 381.

⁷Stanzas from the Grande Chartreuse, lines 85-86.

⁸Bernard, "The Flight of Theodore Dreiser," 251-259.

⁹Dreiser, A Traveler at Forty, 41-42.

¹⁰Dreiser, A Traveler at Forty, 42.

¹¹Cf. Dreiser, A Book About Myself, 327-328; The Color of a Great City, 156-169, 200-206, 233-237, 260-266.

¹²For example, see "The Victor," in Dreiser, Chains, 323-346.

¹³Dreiser, "A Story of Stories," in Free and Other Stories, 163-200.

¹⁴Dreiser, A Book About Myself, 234-256.

¹⁵Dreiser, A Hoosier Holiday, 252-253; "Personality" and "Secrecy-- Its Value," in Hey Rub-A-Dub-Dub, 107-114, 142-151.

¹⁶Dreiser, The "Genius", 150.

¹⁷Dreiser, A Hoosier Holiday, 192-196; cf. "The 'Mercy' of God," in Chains, 371-391.

¹⁸Dreiser, The Color of a Great City, 171.

¹⁹Dreiser, The Color of a Great City, 118.

²⁰Dreiser, The Color of a Great City, 154.

²¹Dreiser, A Traveler at Forty, 392.

²²For example, see the repeated rowboat images in An American Tragedy. See also Dreiser, The Color of a Great City, 216-218, 284-287; Dawn, 28-29; Moods, 381-383.

²³Dreiser, The Color of a Great City, 285-286.

²⁴See Dreiser, The "Genius", 176-177; "Typhoon" in Chains, 181-218, and, of course, An American Tragedy.

²⁵But see Ross, "Concerning Dreiser's Mind," 233-243.

²⁶Dreiser, Plays of the Natural and the Supernatural; "The Lost Phoebe," in Free and Other Stories, 112-134; "The Hand," in Chains, 43-63.

²⁷Dreiser, A Hoosier Holiday, 153-154, 353-354; Moods, 43, 44, 79, 195, 210, 216, 238, 247, 266, 280, 344, 367, 375, 411.

²⁸Dreiser, A Traveler at Forty, 161-162.

²⁹Dreiser, A Traveler at Forty, 505. See also A Hoosier Holiday, 343-345.

³⁰Dreiser, Moods, 240, 381, 410.

³¹Dreiser, Moods, 47, 260, 320, 415.

³²Dreiser, "A Counsel to Perfection" and "The Essential Tragedy of Life," in Hey Rub-A-Dub-Dub, 115-125, 238, 251.

³³Dreiser, A Hoosier Holiday, 367-368.

³⁴Dreiser, "The Myth of Individuality," 337-342, "You, the Phantom," 25-26, "Kismet," 29, 175-176; "A Counsel to Perfection," in Hey Rub-A-Dub-Dub, 115-125.

³⁵Dreiser, The "Genius", 558; A Traveler at Forty, 126; A Hoosier Holiday, 105-106; "Will You Walk Into My Parlour?" in Free and Other Stories, 229-299; "Sanctuary," in Chains, 9 - 42.

³⁶Dreiser, "Free," "The Second Choice," in Free and Other Stories, 9-53, 135-162; "Chains," "The Old Neighborhood," "Fulfillment," and "The Shadow," all in Chains, 64-97, 219-247, 301-322 and 347-370.

³⁷Dreiser, "The City Awakes" and "The Track Walker," in The Color of a Great City, 5-8, 104-107.

³⁸Dreiser, An American Tragedy, Book II.

³⁹Dreiser, Sister Carrie, 218-223.

⁴⁰Dreiser, A Traveler at Forty, 392.

⁴¹See Sidney Hook, ed., Determinism and Freedom in the Age of Modern Science.

⁴²Julian, "A Determinist's Perspective of Criminal Responsibility," 376-388.

⁴³Dreiser, A Hoosier Holiday, 338; The Hand of the Potter, 196-200; "Free" in Free and Other Stories, 9-53.

⁴⁴Dreiser, "A Counsel to Perfection" and "The Essential Tragedy of Life," in Hey Rub-A-Dub-Dub, 115-125, 238-251.

⁴⁵Dreiser, "The Myth of Individuality," 337-342; "You, the Phantom," 25-26 "Kismet," 29, 175-176.

Chapter III

¹Dreiser, Dawn, 14, 264.

²Dreiser, A Hoosier Holiday, 361-364; A Book About Myself, 226-231; "Convention" in Chains, 133-155; "Ideals, Morals, and the Daily

Newspaper," in Hey Rub-A-Dub-Dub, 152-156.

³See stories listed in footnote 36, chapter 2. See also "Neurotic America and the Sex Impulse" and "Marriage and Divorce," in Hey Rub-A-Dub-Dub, 126-141, 212-224; A Hoosier Holiday, 376-378, 394.

⁴Dreiser, A Traveler at Forty, 161-162; Dawn, 348-349.

⁵The following analysis draws heavily on Larzer Ziff, The American 1890's, 3-23, 334-350, and on Robert W. Schneider, Five Novelists of the Progressive Era, 1-18, 153-204.

⁶Dreiser, A Hoosier Holiday, 112-113, 119-120, 163, 180-181, 199-200, 222, 240-241, 266, 279-281. See also A Book About Myself, 207, 221, 279, 293, 349-351, 354-356, 375; Dawn, 159-160; The Color of a Great City, 7-8.

⁷Blanche H. Gelfant, The American City Novel, 42-94.

⁸See footnote 6, chapter 3.

⁹Dreiser, "Nigger Jeff," in Free and Other Stories, 76-111.

¹⁰Ibid., p. 103.

¹¹Dreiser, A Hoosier Holiday, 376-378; The Color of a Great City, 267-274; Dawn, 73, 143-144, 150, 214, 244; A Traveler at Forty, 84-88, 524; and see most of the essays in Hey Rub-A-Dub-Dub.

¹²Dreiser, A Hoosier Holiday, 261-263.

¹³Dreiser, "Hey Rub-A-Dub-Dub" and "Equation Inevitable," in Hey Rub-A-Dub-Dub, 1-18, 157-181. See also "Good and Evil," 67-86.

¹⁴Dreiser, "Secrecy--Its Value," in Hey Rub-A-Dub-Dub, 151.

¹⁵Dreiser, "The American Financier," "Secrecy--Its Value," and "Ashtoreth," in Hey Rub-A-Dub-Dub, 74-91, 142-151, 201-205.

¹⁶Dreiser, "Equation Inevitable," in Hey Rub-A-Dub-Dub, 157-181.

¹⁷Dreiser, "The Reformer," in Hey Rub-A-Dub-Dub, 206-211; The "Genius", 149-151.

¹⁸Dreiser, "Change," in Hey Rub-A-Dub-Dub, 21.

¹⁹Dreiser, "Change," in Hey Rub-A-Dub-Dub, 72. See also A Traveler at Forty, 390-392.

²⁰Hey Rub-A-Dub-Dub, 277-312.

²¹The play may be in part a satire on the Progressive Movement.

On Dreiser's relationship with the Progressive movement, see Schneider, Five Novelists of the Progressive Era, 1-18, 153-204; Noble, "Dreiser and Veblen and the Literature of Cultural Change," in Kwiat and Turpie, Studies in American Culture: Dominant Ideas and Images, 139-152.

²²Dreiser, "Sanctuary," in Chains, 9-42.

²³Dreiser, "Some Aspects of our National Character," "More Democracy or Less? An Inquiry," and "Life, Art and America," in Hey Rub-A-Dub-Dub, 24-59, 225-237, 252-276.

²⁴Dreiser, "The American Financier," "Equation Inevitable," and "The Reformer," in Hey Rub-A-Dub-Dub, 74-91, 157-181, 206-211.

²⁵Dreiser, "Equation Inevitable," in Hey Rub-A-Dub-Dub, 180-181.

²⁶See Woodcock, Anarchism, ch.7.

²⁷Hofstadter, Social Darwinism in American Thought, 3-84.

²⁸See Sidney Hook, ed., Determinism and Freedom in the Age of Modern Science.

²⁹On Thomistic and other natural law theories, see Friedmann, Legal Theory, 95-156.

³⁰Dreiser, "Ideals, Morals, and the Daily Newspaper," in Hey Rub-A-Dub-Dub, 152-156.

³¹Dreiser, "Equation Inevitable," in Hey Rub-A-Dub-Dub, 169-170.

³²Vivas, 237-245.

³³See for example Dreiser, A Book About Myself, 61-62, 226, 231-235; The Color of a Great City, 57, 85-99.

³⁴There is a multitude of examples. See A Book About Myself, 70, 100-103, 125-127, 235, 330, 337 (but compare 188); The Color of a Great City, 58-59, 89, 113, 176-182, 186-198, 224-229, 271; A Traveler at Forty, 469-473.

³⁵A Book About Myself, 68, 85, 95, 97, 235, 326, 338, 361, 381, 397; The Color of a Great City, 44.

³⁶In Twelve Men, 320-343.

³⁷Dreiser, "Secrecy--Its Value" and "Life, Art, and America," in Hey Rub-A-Dub-Dub, 142-151, 252-276; Dawn, 360-362, 392. See also Elias, Letters of Theodore Dreiser, 149, 223-225.

³⁸Dreiser, Dreiser Looks at Russia, 118.

³⁹Dreiser, Jennie Gerhardt, 288. There are a number of examples of this misuse of law in The Financier, The Titan and An American Tragedy.

⁴⁰See footnote 15, chapter 3.

⁴¹See Swanberg, Dreiser, 192, 366, 370-379, 391-392, 416-417, 461, 483; Hicks, The Great Tradition, 226-237; Lehan, Theodore Dreiser; His World and His Novels, 191-208; Trilling, "Reality in America," in Kazin and Shapiro, eds., The Stature of Theodore Dreiser, 132-145.

⁴²Swanberg, Dreiser, 164-179, 416-417.

⁴³See Dreiser, A Hoosier Holiday, 50; A Book About Myself, 327-328, 331; A Traveler at Forty, 133, 207, 469-473; and Tragic America, passim.

⁴⁴Dudley, Dreiser and the Land of the Free, 406.

Chapter 4

¹All subsequent references to The Financier and The Titan will be documented parenthetically in the text.

²Dudley, Dreiser and the Land of the Free, 294.

³Although I base my reading of The Financier and The Titan on the novels themselves, the reading is confirmed by some essays in Hey Rub-A-Dub-Dub, particularly "The American Financier" and "Equation Inevitable," 74-91 and 157-181.

⁴For a similar example of sophistical and self-serving reasoning by a lawyer, see Dreiser, The Stoic, 128.

⁵Compare the use of Christian symbolism in the poetry of Dante Gabriel Rossetti, for example, "The Blessed Damozel" and "The Woodspurge." See also Lang, The Pre-Raphaelites and Their Circle, 503.

⁶Holmes, "Natural Law," quoted in Friedmann, Legal Theory, 196.

⁷See Holmes, The Common Law. See the useful introduction to the Little, Brown edition by Mark DeWolfe Howe. See also Konefsky, The Legacy of Holmes and Brandeis.

⁸See for example Lochner v. New York (1905) 198 U.S. 45.

⁹Cf. Dreiser, "Secrecy--Its Value," in Hey Rub-A-Dub-Dub, 142-151.

¹⁰Sherman, "The Barbaric Naturalism of Mr. Dreiser," in Kazin and Shapiro, eds., The Stature of Theodore Dreiser, 78.

¹¹Merrill's wife is from Boston (T. 61).

Chapter 5

¹Dreiser, A Hoosier Holiday, 418.

²Elias, Letters of Theodore Dreiser, 238-240.

³Elias, Theodore Dreiser: Apostle of Nature, 219.

⁴Lehan, Theodore Dreiser: His World and His Novels, 143.

⁵Grebstein, "An American Tragedy: Theme and Structure," in Langford and Taylor, eds., The Twenties: Poetry and Prose, 62-63. See also Lehan, Theodore Dreiser: His World and His Novels, 149-150.

⁶Moers, Two Dreisers, 240-270.

⁷Swanberg, Dreiser, 288.

⁸Warren, "An American Tragedy," 7.

⁹Ibid., 8.

¹⁰Fish, Surprised by Sin: The Reader in Paradise Lost, chapter 1, in Rudrum, Milton: Modern Judgements, 104.

¹¹Quoted in Swanberg, Dreiser, 304.

¹²Elias, Letters of Theodore Dreiser, 527-528.

¹³Shapiro, Theodore Dreiser: Our Bitter Patriot, 93.

¹⁴Dreiser, An American Tragedy, 17. All subsequent references to An American Tragedy will be documented parenthetically in the text.

¹⁵I could find no external evidence that Dreiser had read Paradise Lost, although see Elias, Letters of Theodore Dreiser, 196.

¹⁶Elias, Theodore Dreiser: Apostle of Nature, 222; Levitt, "Was Clyde Griffiths Guilty of Murder in the First Degree?" 1-5.

¹⁷See essays by Hart, Edwards and Hospers in Hook, ed., Determinism and Freedom in the Age of Modern Science, 95-144; Julian, "A Determinist's Perspective of Criminal Responsibility," 376-388.

¹⁸See Elias, Theodore Dreiser: Apostle of Nature, 228-230.

¹⁹Cf. Moers, Two Dreisers, 271-285.

²⁰As some writers have seen him. See Wagenknecht, Cavalcade of

the American Novel, 285; Van Wyck Brooks, The Confident Years: 1885-1915, 319.

²¹Howe, "Dreiser and the Tragedy," 28.

Chapter 6

¹Elias, Theodore Dreiser: Apostle of Nature, 228.

²Swanberg, Dreiser, 315.

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